

Code of Ordinances, City of Beverly, Massachusetts

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Code of Ordinances, City of Beverly, Massachusetts

ARTICLE I. GENERAL PROVISIONS

Section 1.01 How Code Designated and Cited.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as the "Code of Ordinances, City of Beverly, Massachusetts," and may be so cited.

Section 1.02 Rules of Construction and Definitions.

In the construction of this Code, and of all ordinances, the following rules shall be observed and the following definitions shall apply.

Generally. The provisions of this Code shall be liberally construed to effect the purposes expressed therein or implied from the expression thereof. Words and phrases shall be construed and understood according to their common and usual meaning unless the contrary is clearly indicated. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

Charter. The terms "Charter" or "Charter" shall mean the Charter and any amendment to it hereafter adopted.

City. The terms "the City" or "this City," shall mean the City of Beverly, Massachusetts.

City Bulletin Board. The words "City bulletin board" shall mean the bulletin board in the City Hall on which the City Clerk posts official notices of meetings and upon which other official City notices are posted, and the bulletin boards at any other locations as may be designated City bulletin boards by the City Council.

City Agency. The words "City Agency" shall mean any multiple member body, any department, division, or office of the City of Beverly, Massachusetts.

City Officer. The words "City officer" when used without further qualification or description, shall mean a person having charge of an office or department of the City who in the exercise of the powers or duties of such position exercises some portion of the sovereign power of the City. The term shall include the Director of Municipal Inspections, the city accountant, the city assessor, the city clerk, the city collector, the city electrician, the city solicitor, the city treasurer, the director of civil defense (or director of emergency management) the director of engineering, the director of public health, the director of municipal finance, the director of municipal inspections, the director of human resources, the director of purchasing, the director of public services, the fire chief, the police chief, and the director of community services.

City officers and departments. Whenever reference is made to an officer of a department, the same shall be construed as if followed by the words “of the City of Beverly, Massachusetts.”

Code. The word "Code" shall mean the Code of Ordinances, City of Beverly, Massachusetts as designated in Section 1-101 of the Code.

Commonwealth. The word “Commonwealth” shall mean the Commonwealth of Massachusetts.

Computation of time. In computing time under the charter, if seven days or less ‘days’ shall refer to secular days not including Saturdays, Sundays or legal holidays. If more than seven days, every day shall be counted. The time within which an act is to be done as provided in any ordinance or in any order issued pursuant to any ordinance, when expressed in days, shall be computed by excluding the first day and including the last, except that if the last day be Sunday it shall be excluded; and when any such time is expressed in hours the whole of Sunday, from midnight to midnight, shall be excluded.

Council. The words "council" or "City Council" shall mean the City Council of the City of Beverly, Massachusetts the body vested with the legislative powers of the City of Beverly, Massachusetts.

County. The words "county" or "this county" shall mean the County of Essex, the county in which the City of Beverly is located.

Days. The word "days" shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted.

Emergency. The word "emergency" shall mean a sudden, unexpected, unforeseen happening, occurrence or condition which necessitates immediate action or response.

Full Council, Full Multiple Member Body. The words "full council" or "full multiple member body" shall mean the entire authorized complement of the City Council, School Committee or other multiple member body notwithstanding any vacancy which might exist.

general laws. The words "general laws" (all lower case letters) shall mean laws enacted by the state legislature which apply alike to all cities and towns, to all cities, or to a class of two or more cities and or cities and towns of which the City of Beverly is a member.

**General Laws.* The words "General Laws" (initial letter of each word in upper case letters) shall mean the General Laws of the Commonwealth of Massachusetts, a codification and revision of statutes enacted on December 22, 1920, and including all amendments thereto subsequently adopted.

Gender. Words importing the feminine gender shall include the masculine gender; words importing the masculine gender shall include the feminine gender.

Heretofore, hereafter. Whenever the word "heretofore" occurs in any ordinance it shall be construed to mean any time previous to the day when such ordinance shall take effect; and whenever the word "hereafter" occurs it shall be construed to mean the time after the ordinance containing such word shall take effect.

Highway. The term "highway" shall include any street, alley, highway, avenue or public place or square, bridge, viaduct, tunnel, underpass, overpass and causeway in the City dedicated to public use.

Joint authority. All words purporting to give joint authority to three (3) or more City officers or other persons shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared in the law giving the authority.

Local Newspaper. The words "local newspaper" shall mean a newspaper of general circulation within the City of Beverly, with either a weekly or daily circulation.

Majority Vote. The words "majority vote" when used in connection with a meeting of a multiple member body shall mean a majority of those present and voting, unless another provision is made by ordinance, by law, or by its own rules.

May. The word "may" is to be construed as being permissive.

May not. The phrase "may not" or phrases of like import have a mandatory negative effect and state a prohibition.

Mayor. The word "Mayor" shall mean the Mayor, the officer vested with the executive powers of the City of Beverly, Massachusetts.

Measure - The word "measure" shall mean any ordinance, order, resolution, or other vote or proceeding adopted, or which might be adopted by the City Council or the School Committee.

Multiple Member Body. The words "multiple member body" shall mean any board, commission, committee, sub-committee or other body consisting of two or more persons whether elected, appointed or otherwise constituted, but not including the City Council or the School Committee.

Month. The word "month" shall mean a calendar month.

Must. The word "must" shall be construed as being mandatory.

Number. Words used in the singular include the plural and the plural include the singular.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

“Ordinance”, a vote or order of the city council entitled “ordinance” and designed for the permanent regulation of any matter within the jurisdiction of the city council as laid down in this chapter.

Owner. The word "owner," applied to any property, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such property.

Person. The word "person" shall extend and be applied to associations, corporations, firms, partnerships and bodies politic and corporate as well as to natural persons.

Personal property. The words "personal property" shall include all tangible and intangible property other than real property.

Preceding, following. The words "preceding" and "following" shall mean next before and next after, respectively.

Property. The word "property" shall include real and personal property.

Real property. The words "real property" shall include lands, tenements and hereditaments.

Reasonable time. In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

Roadway. The word "roadway" shall mean that portion of a street improved, designed or ordinarily used for vehicular traffic.

Shall. The word "shall" is to be construed as being mandatory.

Sidewalk. The word "sidewalk" shall mean that portion of a street between the curblin and the adjacent property intended for the use of pedestrians.

State. The words "the State" or "this State" shall be construed to mean the Commonwealth of Massachusetts.

Street. The term "street" shall include any highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel and causeway in the City, dedicated to public use.

Tenant, occupant. The words "tenant" and "occupant," applied to a building or land, shall include any person who occupies, pursuant to an oral or written lease, the whole or a part of such building or land, whether alone or with others.

Tenses. The use of any verb in the present tense shall include the future when applicable.

Voters. The word "voters" shall mean registered voters of the City of Beverly.

Week. The word "week" shall be construed to mean seven (7) days; but publication in a newspaper of any notice or other matter indicated to be for a stated number of weeks shall be construed to mean one (1) insertion in each week, unless specifically stated to be for each day of the week or for more than one (1) day in each week; and all publications heretofore made in accordance with the terms of this subsection are hereby validated.

Written or in writing. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

Year. The word "year" shall mean a calendar year.

Section 1.03 References to Titles, Chapters, or Sections.

All references to titles, chapters, or sections are to the titles, chapters and sections of these ordinances unless otherwise specified.

Section 1.04 When Ordinances to Take Effect.

All ordinances passed by the City Council, except when otherwise specifically provided, shall take effect and be in force on the twenty-first day following the date the City Council has voted to approve the ordinance unless the Mayor has exercised his power, pursuant to charter Section 3-7, to disapprove of the ordinance, in which case the ordinance shall take effect on the twenty-first day following the date the City Council has voted, by a two-thirds vote of the full council, to again approve the ordinance notwithstanding the objections of the Mayor.

Section 1.05 Fees

- (a) The City has adopted the provisions of G. L. Chapter 40 § 22F, pursuant to City Council Order 2004-193 permitting that any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department. Such fees shall be subject to the approval of the City Council.
- (b) Any ordinance of the City of Beverly or any rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the City official who is the appropriate enforcing person, be enforced by the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The noncriminal fine for each such violation, if not otherwise specified, shall be twenty-five dollars (\$25).

- (c) "Enforcing person," as used in this section, shall mean any City police officer of the City of Beverly, with respect to any offense, and the Director of Municipal Inspections and his designees, duly authorized designees of the Conservation Commission, duly authorized designees of the Board of Health, the Director of Public Services or his designees, the Animal Inspector, and such other officials as the Mayor may from time to time designate, each with respect to violation of ordinances and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. Police officers shall in all cases be considered enforcing persons for the purpose of this provision.
- (d) Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation.

Section 1.06 Fines for Violations

- (a) Any ordinance of the City of Beverly or any rule or regulation of its officers, boards or departments, the violation of which is subject to a specific penalty, may, in the discretion of the City official who is the appropriate enforcing person, be enforced by the method provided in Section 21D of Chapter 40 of the Massachusetts General Laws. The noncriminal fine for each such violation, if not otherwise specified, shall be twenty-five dollars (\$25).
- (b) "Enforcing person," as used in this section, shall mean any City police officer of the City of Beverly, with respect to any offense, and the Director of Municipal Inspections and his designees, duly authorized designees of the Conservation Commission, duly authorized designees of the Board of Health, the Director of Public Services or his designees, the Animal Inspector, and such other officials as the Mayor may from time to time designate, each with respect to violation of ordinances and rules and regulations within their respective jurisdictions. If more than one (1) official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto. Police officers shall in all cases be considered enforcing persons for the purpose of this provision.
- (c) Unless otherwise provided, each day a violation continues shall constitute a separate and repeat violation.

Section 1.07 Regulations

- (a) All City Agencies are hereby authorized to adopt rules and regulations subject to the approval of the City Council.

Section 1.08 Severability.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and words of this code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such

unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this code, because the same would have been enacted by the City Council without the incorporation in this code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

Section 1.09 City Seal

- (a) The City seal shall be circular in form, and the design hereto annexed shall be the device thereof, as follows:



- (b) The field is occupied by the full length ideal figure of the Puritan planter; his left hand rests on the stump of the tree he has just felled, and his right hand holds the King's arm which he has taken up; he stands in an attitude of attention. The forest background is to the left and sea with a ship is to the right of the figure.
- (c) The inscription encircling the figure is "*Beverly, Founded 1626. Town 1668. City 1894.*" The legend, or motto, is placed in a scroll to the left of the figure and reads, "*Patri Similima Proles*" signifying the continuance of the ancestral virtues and public devotion in the children, generation after generation.

ARTICLE II. ELECTIVE OFFICES IN GENERAL

Section 2.01 Generally

The offices to be filled by the voters shall be a Mayor, a City Council, a School Committee and such other representatives to regional authorities, districts, or committees as may be established by law or interlocal agreement.

Section 2.02 Eligibility for Elective Office.

Any voter shall be eligible to hold any elective City office, but no person shall simultaneously hold more than one elective City office.

Section 2.03 City Elections

A preliminary election is held for the nomination of candidates on the sixth Tuesday preceding every regular City election. The regular City election is held on the first Tuesday following the first Monday in November of each odd-numbered year.

Section 2.04 Terms of Office.

The term of office of all elective City officers shall be two years beginning on the first Monday in January following the election and continuing until their successors are qualified.

Section 2.05 The City Council

(a) Composition. Term and Authority

There shall be nine members of the Beverly City Council, one councilor elected from each ward into which the City is divided and three council members elected at large. The Beverly City Council shall exercise all of the legislative powers of the City. The term of office for all city councillors shall be for two years each, beginning on the first Monday of January in the year following their election, and until their successors have been qualified

(b) Eligibility

Any voter shall be eligible to hold the office of councilor-at-large. A ward councilor shall at the time of election be a voter of the ward from which elected, provided, however, if any ward councilor shall move his or her principal residence during the first eighteen months of the term of office to another ward in the city, such office shall be deemed vacant and the balance of the unexpired term shall be filled in the manner provided in Section 2-11 of the Home Rule Charter. If such move occurs after the first eighteen months of the term of office, such councilor may continue to serve for the balance of the term for which elected. If a councilor-at-large or a ward councilor moves from the city during the term for which elected such office shall immediately be deemed vacant and filled in the manner provided in Section 2-11 of the Charter.

(c) Council Organization

(i) Council President

- 1) After the oath of office has been administered to the city councilors present, as provided in Section 8-11 of the Charter, the councilors shall organize, with the member elected at large receiving the highest number of votes at the preceding biennial city election, as president, as provided in the Charter at Section 2-2. The president shall be sworn by the city clerk, or, in the case of the absence of the city clerk, by any person qualified to take oaths or affirmations.

- 2) The council president shall preside at all meetings of the city council, regulate its proceedings, and shall decide all questions of order. The council president shall appoint all members of all committees of the city council, whether special or standing. The council president shall have the same powers to vote upon all measures coming before the city council as any other member of the city council. The council president shall perform such other duties consistent with the office as may be provided by charter, by ordinance or by other vote of the city council.
- (ii) Council Vice-President
- 1) As soon as practicable after the councilors-elect have been qualified, the members shall elect from among its members a vice-president who shall act as president during the absence or disability of the council president. The powers of an acting council president shall be limited to only those powers which are indispensably essential to perform the duties of acting council president during the absence or disability of the council president.
- (d) General Powers and Duties
- (i) Except as otherwise provided by law or by the Charter, all powers of the City of Beverly shall be vested in the City Council, which shall provide for their exercise and for the performance of all duties and obligation imposed on the City by law.
- (e) Filling of City Council Vacancies
- (i) If a vacancy in the office of City Councilor occurs, it shall be filled in the manner provided in Section 2-11 of the Home Rule Charter.
- (f) Exercise of Powers
- (i) Except as otherwise provided by the laws of the Commonwealth or the Charter, the legislative powers of the City Council may be exercised in a manner determined by the City Council.

Section 2.06 Ordinances, Orders, Resolves, etc.

- (a) Style of enactment. The enacting style of ordinances shall be, "Be it ordained by the City Council of the City of Beverly, as follows."
- (b) Recordation. All ordinances shall be recorded by the City Clerk in the order in which they are passed to be ordained, in a book which shall be kept in the office of the City Clerk, subject to public inspection.
- (c) Orders and resolves. Whenever the City Council expresses anything by way of command, the form of expression shall be, "Ordered"; and when such board expresses opinions, principles, facts or purposes, the form shall be, "Resolved."

Section 2.07 Standing Committees

(a) Standing Committees, Established

- (i) There shall be three standing committees of the City Council: a standing committee on Finance and Property, a standing committee on Public Services; and a standing committee on Legal Affairs and Ordinances.

(b) Appointment of Members of Standing Committees

- (i) Each of the three committees enumerated in the previous section shall consist of three members of the City Council, who shall be appointed by the president of the City Council to serve during the term for which elected. Each member of the City Council shall be appointed to one of the committees so established. In the event of the prolonged inability of any one member to attend meetings of a standing committee, the president of the City Council may appoint an alternate member to serve on the committee until the regular member can attend such meetings.

(c) Assignment of Matters to Standing Committees

- (i) The president shall refer all new business, communications, petitions and orders to the standing committees, as follows:

(d) The Committee on Finance and Property shall review:

- (i) Budget review and transfers, policy oversight and review, capital improvement planning, and other matters relating to the Department of Municipal Finance, the purchasing function, the Human Resources Department, and Management Information Systems.
- (ii) Matters relating to trust funds, appropriations, transfers of funds, authorization to spend funds, loans, options, pensions, salaries, audits, taxes, revaluation, users' fees, betterment assessments, contracts, acceptance of grants, overall operating budget review, utility petitions and other matters affecting the finances of the City.
- (iii) Every measure involving but not limited to an appropriation, grant, salary, pension, loan, the levying of a tax, user charges, the assessment of a betterment, the sale or lease of City property, an option or contract, or any expenditure of money, unless the subject matter has already been acted on by the Committee on Finance and Property, shall be referred to the Committee on Finance and Property before it is presented to the full council, whose duty it shall be to report on its relation to the finances of the City, but no new provisions shall be added to such measure by said committee, unless directly connected with a financial feature of the measure as drafted. Any measure, upon recommendation of another committee having jurisdiction of the same, may be considered by the Committee on Finance in advance of the presentation thereof to the Council.

- (iv) All budget transfers or appropriations shall, ordinarily, be referred only to the Finance Committee, provided, however, if the chairperson of the Committee on Public Service or the chairperson of the Committee on Legal Affairs requests that the item be jointly referred, by notification to the clerk's office, such requests shall be honored.
 - (v) Policy oversight, and other matters related to the Economic and Community Development Commission, the Community Development Block Grant Program, and the Building and Other Facilities, Planning and Construction Committee.
- (e) The Committee on Public Services shall
- (i) Have policy oversight and review, capital improvement programming, and other matters relating to the Human Services Department, the Department of Community Services including the Public Library, the Recreation Department, Veterans Services, the Board of Health, the City Physician, Cemetery Management and Operations, the Beverly Public Schools, the Beverly Housing Authority.
 - (ii) Have Policy oversight and review of the Library Board of Trustees, Recreation Commission, Board of Registrars, Beverly Youth Collaborative, Council on Aging, Cultural Affairs Commission, Commission on Disabilities, the Airport Commission, the Beverly Golf and Tennis Club, the Beverly Harbor Management Authority and other boards or commissions related to Public Services.
 - (iii) Review matters relating to the inter-relationship of the School Committee, Beverly Public Schools, and other areas of City government; inter-governmental relations; maintenance of public grounds; housing services; elder services; children's services and services for persons with special needs.
 - (iv) Have policy oversight and review, and other matters relating to the Fire Department, Police Department, and Civil Defense (Emergency Preparedness) and utility petitions.
 - (v) Have policy oversight and review, and other matters related to the Department of Public Services, including the Water and Sewer Division; Engineering Department; Hazardous Waste and Oversight Committee, Design Review Board.
 - (vi) Matters relating to street acceptance, layout, relocation and discontinuance of public ways.
- (f) The Committee on Legal Affairs shall
- (i) Review and make recommendations regarding all claims and legal settlements referred to the council by the City Solicitor.

- (ii) Have ongoing oversight and review of all ordinances in the City, recommending changes as appropriate and drafting new ordinances and amendments as necessary.
- (iii) Review matters relating to the legal status of items previously passed by another committee.
- (iv) Have Policy oversight and review of the City Clerk, Clerk of the Council, Clerk of Committees and Rules of the Council.
- (v) Review matters relating to zone change petitions, sign permits; lodging house and dormitory licenses; licensing of automobile dealers; licensing of taxis, and all other licenses except those under the jurisdiction of the Licensing Board.
- (vi) Have policy oversight and review of the Department of Planning and Development, Planning Board, Zoning Board of Appeals, Historic Commission, Historic District Commission, Conservation Commission, Law Department, and Licensing Board.
- (vii) Review matters relating to the zoning map, comprehensive planning, open space planning and maintenance of conservation land, ward and precinct boundaries.
- (viii) Review oversight of the Ordinance Review committees and the Charter Review committees as established by Charter, and matters relating to Home Rule Charter petitions.

Section 2.08 Investigations and Reports by Standing Committees

- (a) The three standing committees of the City Council shall investigate and report to the City Council on all matters within their respective jurisdictions, which shall be referred to them by the City Council. They may have charge of the expenditure of special appropriations when so ordered by the City Council.

Section 2.09 Salary and Expenses of Council Members

- (a) The annual salary for each member of the city council shall be eleven thousand, seven hundred and thirty-three dollars. The annual salary for the President of the city council shall be twelve thousand, three hundred and thirty-three dollars.

Section 2.10 Annual Budget Review

- (a) The Committee on Finance and Property shall, upon receiving the proposed budget for the ensuing fiscal year from the Mayor, cause a notice to be published in a local newspaper stating the date, time and place not less than seven nor more than fourteen days following such publication, at which it will hold a public hearing on the proposed budget as submitted by the Mayor.

- (b) The Committee on Finance and Property shall in open public sessions consider the recommendations of the Mayor. The committee may require the Mayor, or any City officer or City employee to appear before it to provide such information as the committee may deem needed in its review of the proposed budget.
- (c) The Committee on Finance and Property shall submit its recommendations to the City Council in a form which provides the full council with all relevant information on which to base its action on the appropriations to be made for the ensuing fiscal year.

Section 2.11 Power to Inspect Books and Require Information

- (a) The Committee on Finance and Property shall have the power to call upon any agency of the City government to submit for inspection by it their books and vouchers, and to furnish any information pertaining to the financial conduct of the departments. The Budget/Management Analyst employed by the City Council shall have the same power and authority.

Section 2.12 Audit of Accounts

- (a) The Committee on Finance and property shall at the close of each financial year be responsible for the selection of a certified public accountant, or firm of such accountants to perform the audit required by Charter Sections 6-9. The committee shall supervise the work of such accountant, or accountants, and shall provide for public dissemination of the report filed by the accountant or firm of accountants. The Mayor shall annually provide in the City budget the sum of money as may be required to fund this audit. The sum necessary shall be determined by majority vote of the City Council.
- (b) From time to time throughout the year, as often as it shall deem it expedient, the committee shall examine and audit the accounts of the Department of Municipal Finance; and for that purpose, shall have access to all books and vouchers in possession of this department. The committee shall not only compare such accounts with the vouchers therefore, but shall also ascertain by actual proof as shown by the books, whether all moneys due the City have been collected and accounted for; the committee shall also examine all notes and securities in the City Treasurer's hands, or in the hands of the Board of Commissioners of Trust Funds belonging to the City, and make report thereof to the City Council. All departments or officers charged with the collection or disbursement of money shall keep their books and accounts in such manner as shall be approved by the Standing Committee on Finance and Property. The committee may authorize the Budget/Management Analyst to perform this function for it.

Section 2.13 Financial Forecasting Committee

- (a) Establishment, Composition – There is hereby established a Financial Forecasting Committee. Such Committee shall be composed of seven members; two members of the City Council and a citizen, appointed by the City Council President ; two

ward School Committee members and a citizen, appointed by the School committee President; and a citizen, who shall not be an elected official, appointed by the Mayor; The Finance Director, the City Council Budget Analyst and the School Department Business Manager shall be appointed as ex-officio members.

- (b) Term of Appointment, Vacancy – Each member shall serve for a term of two years, or until a successor is appointed. The term of each Committee member who is an elected official shall terminate on December 31 of each successive even numbered year. The term of each Committee member appointed as a citizen representative shall terminate on December 31 of each successive odd-numbered year. In the event of a vacancy during a member's term, a successor shall be selected in the same manner as the departing member for the remainder of the unexpired term.
- (c) Authorities and Responsibilities –
 - (i) The Committee shall consider financial goals and objectives, conduct long range financial planning, evaluate the city budget process, explore ways to acquire revenue, and advise city officials on these matters. Each official and employee of the City shall cooperate with the Committee in the discharge of its duties.
 - (ii) By the end of each calendar year the Committee shall file a report of its activities, projections, conclusions and recommendations with City Clerk, the School Committee, the City Council and the Mayor.

(Ord. No. 171, 10-8-2008)

ARTICLE III. OFFICERS AND EMPLOYEES CHOSEN BY THE CITY COUNCIL

Section 3.01 Budget/Management Analyst

- (a) **Establishment** - There shall be a City Council Budget/Management Analyst as provided in Beverly Home Rule Charter Section 2-8(a).
- (b) **Mode of Appointment, Term of Office** - The Budget/Management Analyst shall be elected by the members of the City Council to serve for a term of three years.
- (c) **Authorities and Responsibilities** - The Budget/Management Analyst shall from time to time throughout the year examine, or cause to be examined, the books and accounts of all City Agencies which are entrusted with the receipt, custody or expenditure of money, including original bills on which money has been paid from the City treasury, the documentation submitted by the agency requesting payment of any such bills supporting such payment, the warrants for the payments of bills and the canceled checks on file in the office of the City treasurer. The Budget/Management Analyst shall at least once in every year verify, or cause to be verified, the cash balance of each such City Agency by the actual count of the cash on hand and by reconciliation of bank balances.

- (i) The Budget/Management Analyst shall keep the City Council President fully informed as to the results of this activity and, not less frequently than quarterly, shall make a detailed report summarizing the results of this overview to the City Council Standing Committee on Finance. All reports to the full City Council shall be made through the City Council Standing Committee on Finance.
- (ii) The Budget/Management Analyst shall review each request which is made to the City Council by the Mayor, as provided in Beverly Home Rule Charter Section 6-7, for the transfer of funds or for a supplementary appropriation, and shall make a report to the City Council Standing Committee on Finance, including a recommendation as to the action to be taken by the City Council, before the City Council acts on the matter.
- (iii) When the proposed capital improvement program is submitted to the City Council by the Mayor, as required by Beverly Home Rule Charter Section 6-8, the Budget/Management Analyst shall review the proposed capital improvement program and shall, before the same is submitted to the City Council for any action, make a report, including specific recommendations for actions to be taken by the City Council concerning the capital improvement program as seem necessary, desirable or expedient.
- (iv) When the proposed annual operating budget is submitted to the City Council by the Mayor, as provided in Beverly Home Rule Charter Section 6-3, the Budget/Management Analyst shall review the proposed annual operating budget and shall, before the proposed operating budget is submitted to the City Council for any action, make a report, including recommendations of specific actions to be taken by the City Council concerning the annual operating budget and any part or parts thereof as seem necessary, desirable or expedient.
- (v) The Budget/Management Analyst shall perform such other duties as may from time to time be assigned to such office by the City Council.

Section 3.02 City Clerk

- (a) *Establishment* - There shall be a City Clerk as provided in Section 2-8 (b) of the Charter.
- (b) *Mode of Appointment, Term of Office* – The City Clerk shall be elected by the City Council for a term not to exceed two years.
- (c) *Authorities and Responsibilities* -
 - (i) *In General* - The City Clerk shall perform all the duties which are now or may hereafter be required of the office by the laws of the Commonwealth, the Charter or ordinances of the City, and shall have the care and custody of the City seal and all city contracts.

- (ii) *Notification of election or appointment* - The City Clerk shall notify all individuals of their election or appointment to any City Agency, immediately after they shall have been chosen, by written notices left at their respective places of residence. (Rev. Ords. 1973, § 2-23)
- (iii) *Furnishing attested copies of orders or votes* – The City Clerk shall serve as Clerk of the City Council. When any vote or order is passed by the City Council referring any matter of business to a committee, or authorizing the performance of any special duty by such committee, the City Clerk shall forthwith transmit to the clerk of such committee or the Clerk of Committees an attested copy of such vote or order. He shall also furnish to the Director of Municipal Finance attested copies of all orders which relate to the financial business of the City or have reference in any way to finance, appropriation, bonds and accounts. (Rev. Ords. 1973, § 2-24)
- (iv) *Furnishing copies of legal process to City Solicitor* - The City Clerk, immediately upon the service upon him of any legal process in which the City may be interested, shall furnish the City Solicitor with a copy thereof, or an abstract of so much thereof as will enable the City Solicitor to reasonably protect the interests of the City. (Rev. Ords. 1973, § 2-25)
- (v) *Publication of notice of meetings in newspaper* - It shall be the duty of the City Clerk to cause notices of all committee meetings and of all general meetings of the City Council to be published in one (1) or more newspapers in the City at least forty-eight weekday hours before any such meeting is to be held.
- (vi) *Bond* - The City Clerk shall give bond, with sufficient sureties, to be approved in writing by the Mayor, for the faithful performance of his duties. (Rev. Ords. 1973, § 2-27)
- (vii) *Assistant City Clerk generally* - The office of Assistant City Clerk is hereby established. The Assistant City Clerk shall be appointed by the City Clerk and shall assist in the performance of the duties of the office. The Assistant City Clerk shall discharge the duties of the City Clerk when that officer is absent or unable to act, and also when there is a vacancy in the office of City Clerk. In the absence of the City Clerk, the Assistant City Clerk may act as Clerk of the City Council. (Rev. Ords. 1973, § 2-28)

Section 3.03 Clerk of the Council

- (a) The city council shall elect a clerk of the council, who may be the city clerk, to serve for a term of two years and until a successor is chosen and qualified.

Section 3.04 Clerk of Committees

- (a) ***Establishment*** - There shall be a Clerk of City Council Committees.

- (b) ***Mode of Appointment, Term of Office*** - The Clerk of City Council Committees shall be elected by the members of the City Council for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Clerk of City Council Committees shall act as clerk of all committees composed in whole or in part of members of the City Council, and shall receive such compensation as the City Council may from time to time determine.
- (d) The Clerk of City Council Committees shall record in books kept for the purpose all proceedings and transactions of the committees of the City Council, and keep a calendar of all meetings of such committees, and shall perform such other duties as shall be required of such clerk, from time to time, by such committees.

ARTICLE IV. THE SCHOOL COMMITTEE

Section 4.01 Composition and Term

- (a) There shall be a school committee which shall consist of seven members. Six of these members, to be known as ward school committee members, shall be nominated and elected by and from the voters of each ward, one such ward school committee member to be elected from each of the six wards into which the city is divided, in accordance with Charter Sections 7-5. The Mayor shall serve as the seventh member of the school committee. The term of office for all school committee members shall be for two years each, beginning on the first Monday of January in the year following their election, and until their successors have been qualified.

Section 4.02 Powers and Duties

- (a) The school committee shall have all powers which are conferred on school committees by general laws and such additional powers and duties as may be provided by the charter, by ordinance, or otherwise and not inconsistent with said grant of powers conferred by general laws. The powers and duties of the school committee shall include the following:
- (b) To elect a superintendent of the schools who shall be charged with the day-to-day administration of the school system, subject only to policy guidelines and directives adopted by the school committee;
- (c) To make all reasonable rules and regulations for the management of the public school system and for conducting the business of the school committee as may be deemed necessary or desirable;
- (d) To adopt and administer an annual operating budget for the school department, subject to appropriation by the city council.

- (e) The school committee shall have general charge and superintendence of all school buildings and grounds, shall furnish all school buildings with proper fixtures, furniture and equipment and shall provide ordinary maintenance of all school buildings and grounds; provided, however, the city council may, by ordinance, provide for the establishment of a central municipal maintenance department which may include maintenance of school buildings and grounds. Whenever the school committee shall determine that additional classrooms are necessary to meet the educational needs of the community, at least one member of the school committee, or designee of the school committee, shall serve on the agency, board or committee to which the planning or construction of such new, remodeled or renovated school building is delegated. The School Committee shall have general charge and superintendence of the public schools for the purpose of educating children in the City. The powers of the School Committee include, to appoint a superintendent of schools, to adopt an annual operating budget (subject to appropriation by the City Council) and to make all reasonable rules and regulations, consistent with law, for the administration and management of the public schools of the City. The School Committee shall have all the powers and duties given to School Committees by the laws of the Commonwealth, the Charter, by ordinance or other City Council vote.

Section 4.03 Interrelationships

- (a) City Council
 - (i) The School Committee and the City Council shall meet at least once during each calendar year to cooperatively discuss financial and educational policy matters of the City. The School Committee Chair and City Council President shall preside over each joint meeting.
- (b) Other Boards.
 - (i) The School Committee shall interact with any multiple member board within the City as necessary, so as to ensure furtherance of the committee's responsibility to educate the children of the City.
- (c) Building and Other Facilities Planning and Construction Committee
 - (i) The School Committee shall, annually, designate one of its members, or some other person, to serve as a member of the Building and Other Facilities Planning and Construction Committee established by Section 5-6 of the Charter.

ARTICLE V. THE MAYOR

Section 5.01 Eligibility

- (a) Pursuant to the Charter at Section 3-1, a Mayor shall be elected for a term of two years by and from the voters at large and shall be the chief executive and administrative officer of the City government.

Section 5.02 Mayor's Duties

- (a) **Annual Report** - The Mayor, within six weeks following the start of each fiscal year, shall, as provided in the Charter Section 3-6 (a), prepare and present to the council an annual report of the City's affairs, including a summary of reports of department heads, and such other reports as the council shall require.
- (b) **Budget Report** - The Mayor shall, in the manner provided in sections 6-3, 6-4 and 6-5 of the Charter, assemble estimates of the financial needs and resources of the City for each ensuing year, and shall prepare a proposed operating budget within the financial power of the City, embodying it in a budget document with proper supporting schedules and analyses.

Section 5.03 Powers and Duties

- (a) The executive powers of the City shall be vested solely in the Mayor, and may be exercised by the Mayor either personally, or, through the several City Agencies under the general supervision and control of the office of the Mayor. The Mayor shall cause the Charter, the laws, the ordinances and other orders for the government of the City to be enforced, and shall cause a record of all official acts of the executive branch of the City to be kept.
- (b) The Mayor shall exercise general supervision and direction over all City Agencies, unless otherwise provided by law, by the Charter or by ordinance. Each City Agency shall furnish to the Mayor, forthwith upon request, any information, materials or otherwise as the Mayor may request and as the needs of the office and the interest of the City may require.
- (c) *Appointment to Acting Capacity* - The Mayor may personally perform, or may designate some other officer or employee to perform, the duties of any office or position in the administrative service under the control of the Mayor when the office or position is vacant or lacks administration due to the absence or disability of the incumbent in accordance with the provisions of Section 3-5 of the Charter.
- (d) *Investigate* - The Mayor shall have the power, either personally, or by any officer or other person designated for the purpose, to investigate and to examine or inquire into the affairs or operation of any department, division, bureau, or office; and subject to available funds, shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.
- (e) *Delegate Duties* - The Mayor shall have the power to direct any department, division or bureau to perform work for any other department, division or bureau.
- (f) *Coordinate Departments* - The Mayor shall be responsible for the coordination of the administrative heads of each department of City government and for the review and analysis of the operation and administration of all departments, boards, and commissions.

- (g) *Reports* - The Mayor shall have the power to require all City Officers to furnish any information connected with or related to their official or assigned duties. Annually, at the request of the Mayor, all City Officers shall provide the Mayor with a comprehensive report analyzing the conditions and operations of the City Agency, shall recommend measures, and shall project needs for the ensuing fiscal year.

Section 5.04 Interrelationships

- (a) City Council
 - (i) The Mayor shall meet with the City Council in a manner convenient for the purpose of discussing those matters within the purview of the City Council.
- (b) Other Officials
 - (i) The Mayor shall interact on a regular basis with all of the City Agencies.
- (c) Chief of Staff to the Mayor
- (d) Confidential Secretary to the Mayor
- (e) Clerical and Other Employees of the Mayor
 - (i) The Mayor shall employ such persons and in such clerical, secretarial, administrative or other positions as the Mayor may deem necessary or advisable and as are within the total appropriation made for the office of the Mayor as the Mayor deems to be in the best interest of the City.

ARTICLE VI. CITY AGENCIES

Section 6.01 Administrative Organization

- (a) The administrative organization of the City shall be divided under the Mayor into the following service departments with offices thereunder responsible to each respective department:

- Department of Community Services
 - Veterans Services Office
 - Council on Aging
 - Parks and Recreation Office
 - Public Library
 - Commission on Disabilities
 - Cultural Council
 - Beverly Golf and Tennis Commission
 - Health Services
 - Youth Activities Commission
 - Affirmative Action and Equal Employment Opportunity Program

Engineering Department

- Office of Engineering Services
- Office of Contract Supervision
- Office of Cemetery Operations

Fire Department

- Fire Office
- Emergency Management Committee
- Emergency Medical Services Commission

Municipal Finance Department

- Office of Collections
- Office of Treasury Management
- Office of Accounting
- Office of Assessing
- Office of Data Processing and Management-Information Systems
- Office of the Parking Clerk

Municipal Inspections Department

- Building Code Office
- Plumbing and Gas Fitting Office
- Electrical Office
- Sanitary Office
- Weights and Measures Offices
- Zoning Enforcement Office
- Historic Districts Commission
- Conservation Commission
- Fire Safety Office

Planning and Development Department

- Planning Office
- Appeals Office
- Conservation Office
- Historic Districts Office
- Office of Community Development
- Other Entities
- Design Review Board
- Airport Office
- Parking and Traffic Offices
- Harbor Management Authority

Police Department

- Police Office
- School traffic supervisors
- Animal Control Office
- Harbor Office

Public Services Department

- Office of Labor Services
- Office of Garage and Motor Vehicle Maintenance
- Water/Sewer Office
- Forestry and Grounds Office

(b) Administrative Policy and Procedures for Department Heads

- (i) *Be Responsible to the Mayor* - The heads of departments shall be responsible to the Mayor as the chief executive and administrative officer of the City, and shall be immediately responsible to the Mayor for the effective administration of their respective departments and all activities assigned thereto.
 - (ii) *Inaugurate Sound Practices* - The heads of departments shall keep informed as to the latest practices in their particular fields and shall inaugurate, with the approval of the Mayor, such new practices as appear to be of benefit and service to the public.
 - (iii) *Report to Mayor* - The heads of departments shall submit annual reports of the activities of their departments to the Mayor.
 - (iv) *Maintain Records* - The heads of departments shall establish and maintain systems of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the annual report to the Mayor.
 - (v) *Authority Over Employees* - The heads of departments shall have power, when authorized by the Mayor in accordance with sections 3-3 and 8-15 of the Beverly Home Rule Charter, to appoint and remove all of their subordinates. The appointment and removal of all municipal employees shall be subject to the personnel system as that term is defined in Section 4.102.2 (1) of these ordinances.
 - (vi) *Maintain Equipment* - The heads of departments shall be responsible for the proper maintenance of all City property and equipment used in their departments.
- (c) **Operation of Administrative Service.**
- (i) *Office Hours* - All units in the administrative service shall be open between the hours of eight thirty in the morning and four thirty in the afternoon on Monday, Tuesday and Wednesday; between the hours of eight thirty in the morning and seven thirty in the evening on Thursday, and between the hours of eight thirty in the morning and one o'clock in the afternoon on Friday and shall be closed Saturdays, Sundays and legal holidays.
 - (ii) *Make Deposit* - All units in the administrative service shall, not less frequently than weekly, make a deposit with the City Treasurer of any monies received directly from the public.
 - (iii) *Payment of Moneys* - All units in the administrative service shall pay out monies belonging to the City only in the manner established by state statutes, city ordinances, and the policies, procedures and other directives established by the finance director.

Section 6.02 Accounting Office

- (a) The Office of Accounting shall be headed by a City Accountant appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, who shall service for a term not to exceed three years.
- (b) The Office of Accounting shall be responsible for the following:
 - (i) the maintenance of accounts for all financial transactions of the City;
 - (ii) the pre-audit of all purchase orders, receipts and disbursements;
 - (iii) the preparation of payrolls;
 - (iv) the preparation of warrants for the payment of all bills of the City;
 - (v) the preparation of periodic reports on the status of departmental receipts and expenditures;
 - (vi) the maintenance of a complete set of books and financial records;
 - (vii) the maintenance of central grant and contract files;
 - (viii) a duty to notify the appropriate head of the spending agency and the Mayor and City Council whenever it appears that a liability has been incurred which will cause the available balance in a particular account to be exceeded.
 - (ix) The Office of Accounting shall examine the books and accounts of all offices and agencies entrusted with the custody or expenditure of money. The Office of Accounting shall provide the Budget/Management Analyst appointed by the City Council with free access to all of its books, accounts, bills, vouchers and other records of financial transactions as may be necessary for the performance of the auditing and oversight functions of such officer. The Office of Accounting shall at least once in each fiscal year verify the cash balances of all City offices and agencies by actual count of the cash and by reconciliation of bank balances. The Office of Accounting shall prepare all warrants for the expenditure of City funds before any payment is made by the Office of Treasury Management. Except as otherwise provided in this ordinance, the City Accountant shall have all of the other powers, duties and responsibilities which are given to City Accountants by General Law, including the authorization to report matters of fraud, waste, improper or illegal activity to the Mayor.

Section 6.03 Assessors Office

- (a) The Office of Assessing shall be under the management and control of a Chief Assessor who shall be appointed by the Mayor, subject to review of the Council as provided in Section 2-10 of the Charter, for a term not to exceed three years.
- (b) The Office of Assessing shall be responsible for the following:

- (i) establishing the valuation of all real and personal property;
 - (ii) maintaining records substantiating all assessments made;
 - (iii) preparing and issuing commitments for the collection of property taxes and motor vehicle excise taxes by the office of collections;
 - (iv) acting on abatement and exemption applications filed with it and representing the City in proceedings before the Appellate tax board.
- (c) Tax Agreements for Affordable Housing

(i) Intent and Purpose: Having determined that it is desirable for the City of Beverly to have an adequate stock of affordable housing and that the City of Beverly should encourage the development of affordable housing for its citizens, it is hereby declared to be the policy of the City of Beverly that, in the appropriate circumstances, the City of Beverly may enter into agreements with developers of affordable housing for the payment of outstanding property taxes, as authorized under the provisions of Massachusetts General Laws C. 58, § 8C, as it may be amended from time to time.

(ii) Authority to Negotiate Tax Agreements: Approval by the City Council

- 1) The Mayor is authorized to negotiate agreements for the payment of outstanding property taxes by persons or entities seeking to develop affordable housing on the parcels for which such taxes are owed. Such agreements shall comply in all respects with the requirements established in Massachusetts General Laws C. 58, § 8C, as it may be amended from time to time.
- 2) Any such agreement shall be subject to approval by the City Council.

(iii) Delegation of Authority

- 1) The Mayor may delegate the authority granted hereunder to any one or more of the following: the Director of Municipal Finance of the City of Beverly or the Chief Assessor. Such delegation of authority shall be in writing, with notice to the City Council, and shall remain in effect until it is revoked in writing by the Mayor.

(Ord. No. 335; 1-26-2005)

Section 6.04 Central Municipal Maintenance Department

See School Committee at Charter 4.02(3)

- (a) Clerical assistants.

- (i) There shall be two (2) clerical assistants assigned to the police department who may be classified as clerk-typists, senior clerk-typists, or principal clerks, as the case may be, whose duties shall consist of clerical work only.

(Rev. Ords. 1973, § 22-2)

(b) Motor equipment repairman.

- (i) There shall be one (1) motor equipment repairman assigned to the police department, from the Public Services Department, whose duties shall consist of repairs and the maintenance of police department equipment, and fire department equipment, when necessary.

(Rev. Ords. 1973, § 22-2A) [Repealed by Implication]

(c) Confidential secretary.

- (i) There shall be within the police department the position of confidential secretary to the chief of police. The duties of this secretary shall be prescribed by the chief of police. The chief of police shall appoint the confidential secretary subject to confirmation by the City Council. The duties and responsibilities may include, but not be limited to, the following:

- 1) (1) Confidential management of reports and information;
- 2) (2) Inter-department liaison for the chief;
- 3) (3) Liaison with other city, state and federal offices;
- 4) (4) Preparation of confidential reports, letters and records;
- 5) (5) Typing and composition of correspondence; maintenance and responsibility for confidential files;
- 6) (6) Management of office operations for the office of the chief;
- 7) (7) Other duties as prescribed by the chief.

- (ii) (b) This position shall not be subject to M.G.L. chapter 31(civil service).

- (iii) (c) The salary of this position shall be set annually during the budgetary process by the Mayor and City Council after receiving a recommendation from the chief of police.

(Rev. Ords. 1973, § 22-2B; Ord. No. 331, § 1, B-15-87) [Repealed by Implication]

(d) Appointment by Mayor/Chief of Police.

- (i) All members of the police department, except the Chief of Police, shall be appointed by the MayorChief of Police and confirmed by the City Council.

(Rev. Ords. 1973, § 22-7)

Charter reference-Authority of Mayor to appoint, remove chief without board confirmation, § 20; act placing chief of police under civil service, Acts of 1936, c. 142.
[Preempted by Charter/Civil Service law/Collective Bargaining]

(e) Suspension and removal.

- (i) Any neglect of or refusal to perform duty or any disorderly conduct or disobedience or any violation of the rules or regulations of the police department, shall be proper cause for suspension, reduction in rank or removal from the department.
- (ii) Any such misconduct shall be reported forthwith in writing by the Chief of Police to the Mayor, which report shall contain the name of the offending person and a statement of his misconduct. The Mayor may thereupon suspend such person and may, after a hearing by him in accordance with the laws relating to civil service, reinstate such person or continue such suspension for a definite period or reduce in rank or remove such person from the police department. Subject to the provisions of the laws relating to civil service, any member suspended from duty shall not act as a member of the department or be entitled to any compensation until reinstated by the Mayor, and in all cases of removal from office or department the name of the person removed, with a statement of the reasons therefore, shall be entered upon the records of the department.

(Rev. Ords. 1973, § 22-9) [Preempted by Collective Bargaining]

(f) Special police.

(a) There shall be appointed annually by the MayorChief of Police, subject to confirmation by the City Council, such number, as the Mayor may deem proper, of special police with all the powers of regular patrol officers. Authority vested in special patrol officers shall be confined solely to the property of their employers. All special officers shall be subject to the authority of the chief of police.

(b) Special officers shall hold office until their successors are appointed and qualified, unless previously removed from office by the MayorChief of Police.

(Rev. Ords. 1973, § 22-14)

(g) School traffic supervisors.

- (i) The MayorChief of Police may appoint, subject to confirmation of the City Council, special police officers to serve as school traffic supervisors at the request of the school committee to handle school traffic. The duties of the school

traffic supervisors shall be to control the flow of traffic by stopping, starting and directing such traffic. Any operator of any motor vehicle not obeying the hand signals of the school traffic supervisors on active duty shall have his registration number taken and turned in to the chief of police, or head of the traffic division within the police department.

(Rev. Ords. 1973, § 22-15)

Section 6.05 Civil Defense and Emergency Planning Department

State law references-Civil defense generally, M.G.L. c. 33 App., § 13-1 et seq.; local organizations, M.G.L. c. 33, § 13-13 et seq.

- (a) There is hereby established a department of civil defense. It shall be the function of the department to have charge of civil defense as defined in section 1, chapter 639 of the Acts of 1950 and to perform civil defense functions as authorized or directed by that chapter or by any and all executive orders or general regulations promulgated thereunder, and to exercise any authority delegated to it by the governor under chapter 639 of the Acts of 1950.

(Rev. Ords. 1973, § 6-1)

Section 6.06 Community Services Department

- (a) Establishment - There shall be a Department of Community Services, which shall be responsible for the coordination of all the community-service- related activities of the City including, but not limited to programs or services provided to specific groups including senior citizens, youths, veterans, and others, services provided to the public generally including parks and recreation activities, health services, cultural activities and the operation of the public library.
- (b) Scope of Department Activities - The Department of Community Services shall be responsible for the coordination of all community-service –related-activities of the City government, and shall include the following functions:
 - (i) Veterans Services;
 - (ii) Council on Aging;
 - (iii) Parks and Recreation Commission;
 - (iv) Public Library, Board of Trustees of;
 - (v) Commission on Disabilities;
 - (vi) Cultural Council;
 - (vii) Beverly Golf and Tennis Commission;

- (viii) Health Services;
- (c) Youth Activities Commission.
- (d) 302.4 Operating Offices:
- (e) The Department of Community Services shall consist of the following offices, the duties and responsibilities of which shall be further set forth by ordinances.
 - 1) *Veterans Services Office* - The Veterans Services Office shall be headed by a Veterans Services Director appointed by the Director of Community Services, subject to the approval of the Mayor.
 - 2) The Veterans Office shall be responsible for the delivery of every service to which a veteran is or may be entitled under the provisions of state and federal law. The Director of Veterans services shall assist veterans and the survivors of veterans in making appropriate applications to secure benefits to which they are entitled under state and federal law.
 - 3) *Council on Aging* - The Council on Aging shall coordinate and sponsor programs for the senior citizens of the City of Beverly.
 - 4) *Parks and Recreation Office* - The Parks and Recreation Commission shall coordinate and carry out programs for leisure time activities of persons of all ages.
 - 5) *Public Library* -- The public library shall be headed by a board of trustees which shall set policies to govern the operation of the public library of the City and shall supervise the implementation of such policies by its staff.
 - 6) *Commission on Disabilities* - The Commission on Disabilities shall coordinate and carry out programs designed to assist disabled persons.
 - 7) *Cultural Council* - The cultural council shall coordinate and carry out programs designed to improve the culture of the City and to develop programs in art, music and theater.
 - 8) *Beverly Golf and Tennis Commission* - The Beverly Golf and Tennis Club Commission shall set policies to govern the operation and use of the Beverly Golf and Tennis Club and shall supervise the implementation of such policies by its licensee or other operator.
 - 9) *Health Services* - All health related programs, activities and services of the City shall be coordinated through the Department of Community Services.
 - 10) *Youth Activities Commission* - The Youth Activities Commission shall establish and conduct programs for the youth of the City in conjunction with other entities public and private.

- 11) *Affirmative Action and Equal Employment Opportunity Program* - There shall be established within the Department of Community Services an Affirmative Action and Equal Employment Opportunity Program Office which shall be responsible, in conjunction with the Commission on Disabilities, for the development and implementation of the Affirmative Action and Equal Employment Program of the city.

Section 6.07 Data Processing and Management Office

- (a) The Office of Data Processing and Management Information Systems shall be headed by a director of information technology who shall be appointed by the director of finance, subject to the consent of the Mayor. The coordination of all of the management information systems for the city shall be accomplished through the Office of Data Processing and Management-Information Systems

Section 6.08 Emergency Management Committee

- (a) The Emergency Management Committee shall be headed by an Emergency Management Director, appointed by the Mayor, subject to review of the Council as provided in Section 2-10 of the Charter.
- (i) The Emergency Management Office shall be responsible for the implementation of the so-called civil defense law, Chapter 639 of the Acts of 1950, as amended.

Section 6.09 Emergency Medical Services Commission

- (a) The Emergency Medical Services Commission shall have oversight of the ambulance services of the city of Beverly.
- (b) The Emergency Medical Services Commission shall be responsible for the operation of the City's emergency medical services programs.

Section 6.10 Engineering Department

- (a) Establishment
 - (i) There shall be a Department of Engineering which shall be responsible for the management of all the professional engineering-related activities of the city and for the supervision and coordination of all activities of all City Agencies in relation to any engineering matter.
- (b) Scope of Department Activities
- (c) The Department of Engineering shall be responsible for and shall include the following functions:
 - (i) Refuse collection and disposal;

- (ii) Preparation of technical plans and specifications for contracts for the performance of municipal functions by private entities;
 - (iii) Representation of the City of Beverly on the Board of the Southern Essex Sewerage District;
 - (iv) Representation of the City of Beverly on the Board of the Salem-Beverly Water Supply District;
 - (v) Maintain plans and records of all public water, sewer, drain and road layouts in the City of Beverly.
 - (vi) Engineering services;
 - (vii) Manage and maintain the interment records of the eight city cemeteries.
 - (viii) Supervision, inspection and approval of all public works and related work performed by private entities under contract.
- (d) Operating Offices:
- (i) The Department of Engineering shall consist of the following offices:
 - 1) *Office of Engineering Services* - The Office of Engineering Services shall be responsible for the engineering related functions and activities of the city, including Geographic Information Systems and Computer Assisted Design.
 - 2) The Office of Engineering Services shall be responsible for the planning and design of all assigned public works improvement projects and the documentation of all such projects.
 - 3) *Office of Contract Supervision* - The Office of Contract Supervision shall be responsible for the oversight of all construction projects performed for the city by outside entities, including water mains, sewers and drains, and paving and reconstruction of streets, sidewalks, and curbing and the documentation of all such projects.
 - 4) *Office of Cemetery Operations* - The Office of Cemetery Operations shall be responsible for the care and management of all public cemeteries and burying grounds in the city of Beverly.

Section 6.11 Fire Protection Department

- (a) Establishment
 - (i) There shall be a Department of Fire Protection which shall be responsible for the coordination of all the fire protection services of the City and for the supervision and coordination of all activities of all City Agencies in relation to any fire

safety programs, fire suppression and extinguishing fires and emergency management and medical services.

(b) Scope of Department Activities

(i) The department of fire protection shall be responsible for and shall include the following functions:

- 1) Fire;
- 2) Emergency Management (civil defense);
- 3) Emergency Medical Service/Ambulance.

(ii) Operating Offices:

1) *Fire Office* - The Fire Office shall be responsible for providing fire protection services in the city including fire safety programs, fire suppression and extinguishing fires. The functions of the Fire Office shall include but are not limited to those enumerated below.

a) *Fire Extinguishment*. Take all necessary steps for the extinguishment of fires within the City, including utilization of all necessary personnel and equipment therefore, the destruction of any building or structure and the removal of any obstruction for the purpose of checking or extinguishing any such fire.

b) *Public alarm boxes*. Establish the location, relocation or removal of all public fire alarm boxes.

c) *Civil order*. Assist in the re-establishment of order in the event of civil disturbance, disaster or riot or any other declared emergency.

d) *Training*. Provide for and administer a program for the training of firefighters.

e) *Records*. Maintain a record of all fires which occur within the City requiring the services of the Fire Department.

f) *Intergovernmental contracts*. Carry out the terms and provisions of all fire service contracts entered into with other governmental subdivisions.

g) *Investigations*. Investigate the causes of all fires and provide for written reports of all suspected arsons.

h) *Inspections.* Inspect all buildings and structures as provided for by the state fire code, and for the issuance and renewal of certificates of occupancy.

i) *Other services.* Provide rescue and ambulance service.

Section 6.12 Health Department

- (a) It is the mission of the Board of Health and its staff to serve as a resource intended to prevent, promote, protect and meet the multitude of health related needs of the community.
- (b) The health department shall be under the charge of the board of health. The Board of Health is responsible for directing and administering a program of health related services for the city and its residents. The Health Department is responsible for enforcing numerous State Sanitary and Environmental Codes as mandated by State law. Massachusetts General Law, Chapter 111, Section 31, provides the Board of Health with the authority to make reasonable health regulations. In addition to the mandated state regulations, the health department is responsible for the enforcement of local regulations. A variety of inspections are conducted to determine compliance with said codes and regulations.

Section 6.13 Human Resources Department

(a) Establishment

- (i) There shall be a Department of Human Resources (as provided in Section 5-7 of the Charter) which shall be responsible for all personnel and employee-related functions and activities of the City and for the supervision and coordination of all activities of all City Agencies in relation to any personnel or employee related function or activity.

(b) Scope of Department Activities

- (i) The Department of Human Resources shall be responsible for and shall include the following functions:
 - 1) Study, establish and coordinate uniform personnel practices and procedures for City departments.
 - 2) Provide advice and assistance to individual employees on all personnel matters.
 - 3) Develop and administer a recruitment and placement program designed to fill vacant positions in the City with the best qualified persons.

- 4) Provide advice and assistance to the Mayor, department heads, supervisors and elected and appointed officials on all personnel matters, including position classifications, pay administration, recruitment and placement, employee relations, performance evaluation, disciplinary action, employee grievances and employee training.
- 5) Develop a position classification system, which shall include the assignment and utilization of personnel in all departments. Make recommendations to such departments for changes which may be necessary to effect the proper classification and assignment of personnel in such duties which will permit the City to receive maximum benefits from the skills and capabilities of such personnel.
- 6) Administer the position classification program providing for the classification of all positions, other than those filled by popular elections into groups and classes doing substantially similar work or having substantially equal responsibilities so as to insure the payment of equitable compensation.
- 7) Provide advice and assistance to supervisory personnel of all levels in planning, developing and conducting training programs.
- 8) Standardize forms and records to be used in the City's personnel administration program other than those forms and records whose format is regulated by statute or by State agency or agencies authorized, by law, to exercise oversight over specific elements of personnel management.
- 9) Provide guidance to appointing authorities on Civil Service Law, furnish information regarding Civil Service examinations, render assistance to all departments in Civil Service matters, and perform liaison duties between City departments and the Office of Personnel Administration of the Commonwealth.
- 10) Assist and participate (to the extent requested by the Mayor), in the negotiation, implementation, and administration of the City's collective bargaining agreements.
- 11) Recommend to the Mayor and City Council the enactment of such ordinances as are considered necessary to implement and administer the City's personnel administration program.
- 12) Maintain a centralized, secure location for the individual personnel records of all City employees. Said record shall contain all the vital statistics and other pertinent data for each and every person employed by the City. It shall be the duty of each department head and every other supervisory person, to provide to the Personnel Director such records and reports as the Personnel Director may require.

- 13) Study, develop, establish and coordinate an occupational safety program for the City as required by State and Federal Laws.
- 14) Implement and coordinate an Affirmative Action and Equal Employment Program for the City.

Section 6.14 Law Department

(a) Establishment

- (i) There shall be a Law Department which shall be responsible for all of the legal affairs of the city and for the supervision and coordination of all activities of all City Agencies to ensure, insofar as it is possible so to do, that City Agencies act, at all times, in conformity with law.

(b) Scope of Department Activities

- (i) The Law Department shall be responsible for the coordination of all legal and law related activities of the City government and shall include, but is not limited to, the following functions:
 - 1) *Advise officers.* Advise the Mayor, the City Council or its committees, and the heads of all departments, agencies, boards, and commissions on all matters relating to their official powers, duties and functions.
 - 2) *Review ordinances.* Be responsible for the review of all ordinances and resolutions as requested by the Mayor or the City Council. The Law Department shall advise the City Council as to the form and sufficiency of all ordinances prior to their adoption.
 - 3) *Give opinions.* Render legal opinions upon any question of law submitted in writing by the Mayor, the City Council, or the heads of all departments, agencies, boards, or commissions.
 - 4) *Attend council meetings.* An attorney assigned to the Law Department shall, as requested by the presiding officer of the City Council, attend any meetings of the City Council and any meetings of committees of the City Council.
 - 5) *Prepare legal instruments.* Prepare or review and approve all contracts, deeds, documents and instruments prior to their execution thereof by or on behalf of the City, its departments and agencies.

- 6) *Prosecute offenders and defend officials.* Prepare, when authorized by the Mayor, all charges and complaints on behalf of the City, and all departments, agencies, boards, or commissions of the City and appear in the appropriate court in the prosecution of every person charged with the violation of a City ordinance or of any regulations adopted under authority of the Charter or ordinances, or by virtue of its authority. Appear on behalf of the City and all departments, agencies, boards, or commissions of the City in defending every action brought against it or them in connection with the official business of the City.
- 7) *Appeals.* Conduct and prosecute appeals from orders, decisions or judgments affecting any interest of the City as the City Solicitor may, in the exercise of discretion, determine to be necessary or desirable.
- 8) *Settlement of claims.* Have the power to adjust, settle, compromise or submit to arbitration, any action, causes of action, accounts, debts, claims, demands, disputes and matters of favor of or against the City or in which the City is concerned as debtor or creditor, now existing or which may hereafter arise, not involving or requiring payment to exceed five thousand dollars, and with the permission of the Mayor may do likewise in matters not involving or requiring payment to exceed ten thousand dollars, provided the money to settle claims generally has been appropriated and is available therefore.

Section 6.15 Municipal Finance Department

(a) Establishment

- (i) There shall be a Department of Municipal Finance (as provided in Article 5-4 of the Charter) which shall be responsible for the management of the fiscal and financial affairs of the City, and for the supervision and coordination of all activities of all City Agencies in relation to any fiscal or financial matter.
- (b) **Scope of Department Activities.** The Department of Municipal Finance shall be responsible for and shall include the following functions:
 - (i) Coordination of all financial services and activities of the City government;
 - (ii) Maintenance of all accounting records and other financial statements for all offices and agencies of the City government;
 - (iii) The payment of all financial obligations on behalf of the City;
 - (iv) The receipt of all funds due to the City from any source;
 - (v) Maintenance of all property valuation records and systems;
 - (vi) The rendering of advice, assistance and guidance to all other City offices and agencies in any matter relating to financial or fiscal affairs;

- (vii) The monitoring throughout the fiscal year of the expenditure of funds by every office and agency of the City, including the periodic reporting on the status of all accounts with recommendations concerning fiscal and financial policies to be implemented by such offices and agencies.
- (viii) Coordination, with the Director of Purchasing and Contracts Administration, of all financial transactions associated with the procurement of all goods, supplies and materials by City governmental offices and agencies with the central procurement procedures established by the Mayor pursuant to Section 3-2, the third paragraph and Section 5-4 (1) of the Charter.
- (c) Operating Offices: The Department of Municipal Finance shall consist of the following offices:
 - (i) *Office of Collections* - The Office of Collections shall be headed by a City Collector appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, who shall serve for a term not to exceed three years.
 - (ii) The City Collector shall collect all accounts due to the City from any source. The City Collector shall upon receipt of a tax list and warrant from the Board of Assessors collect the taxes and make a return thereon to the Board of Assessors. The City Collector shall give to the City Treasurer an account of all funds received by the office of collections and shall pay over and account to the City Treasurer all money received by said office. Except as otherwise provided in this ordinance, the City Collector shall have all of the powers, duties and responsibilities which are granted to City Collectors by the General Laws.
 - (iii) *Office of Treasury Management* - The Office of Treasury Management shall be headed by a City Treasurer appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, who shall serve for a term not to exceed three years.
 - (iv) The City Treasurer shall receive and take charge of all money belonging to the City. The City Treasurer shall, according to the order of the authorized officers of the City, pay out and make all disbursements of funds on behalf of the City. Except as otherwise provided in this ordinance, the City Treasurer shall have all of the other powers, duties and responsibilities which are given to City Treasurers by General Law.

Section 6.16 Municipal Inspections Department

- (a) Establishment
 - (i) There shall be a Department of Municipal Inspections (as provided in Section 5-8 of the Charter) which shall be responsible for the coordination and management of the inspection-related activities of the City, and for the

supervision and coordination of all activities of all City Agencies in relation to any inspection service.

(b) Scope of Department Activities

(i) The Department of Municipal inspections shall be responsible for and shall include the following functions:

- 1) Coordination of all inspection functions carried out by any municipal agency, or by any officer or employee of the City;
- 2) Maintenance in a central place of all records relating to inspections having a common index;
- 3) Coordination of enforcement actions for violations of any provision of state statute, Code of Massachusetts Regulations provision, City ordinance or a rule or regulation of the City pertaining to buildings or structures, municipal inspections or any other inspection which is under the jurisdiction of the department of municipal inspections.
- 4) Put in place a system designed to lead to the development of a single application process which would indicate all inspections which might be necessary for a particular project and provide for a consolidated, coordinated review and processing of each such application.
- 5) The rendering of advice, assistance and guidance to all other City offices and agencies in any matter relating to City inspection services and City buildings and structures.
- 6) The rendering of advice, assistance and guidance to all members of the public relating to City inspection services, and the development of “user friendly” systems for the convenience of the public.

(c) It is the intention of this ordinance that all inspections performed by or under the authority of the Director of Municipal Inspections, Conservation Commission, Fire Chief, Board of Health, Historic Districts Commission, Inspector of Gas Piping and Appliances, Plumbing Inspector, Sealer of Weights and Measures, Zoning Enforcement Officer and every other local inspection as may otherwise be authorized is to be coordinated through the Municipal Inspections Department. All personnel performing such inspection services shall continue to serve as employees and members of the department or agency to which they have traditionally been assigned, but all such personnel performing inspection services shall, when in the performance of those functions, be subject to the administrative direction and control of the Director of Municipal Inspections.

(d) Operating Offices:

(i) The Department of Municipal Inspections shall consist of the following offices:

- 1) *Building Code Office* - The Building Code Office shall be headed by a Director of Municipal Inspections appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, for a term not to exceed three years. The Building Code Office shall be responsible for the enforcement of the building code of the Commonwealth of Massachusetts in the City of Beverly.
- 2) *Plumbing and Gas Fitting Office* - The Plumbing and Gas Fitting Office shall be headed by an Inspector of Plumbing and Gas Fitting, who shall be appointed by the Director of Municipal Inspections, subject to the approval of the Mayor. The Plumbing and Gas Fitting Office shall be responsible for the enforcement of the provisions of the Code of Massachusetts Regulations applicable to plumbing and gas fitting and gas appliances.
- 3) *Electrical Office* - The Electrical Office shall be headed by an Inspector of Wires appointed by the Director of Municipal Inspections, subject to the approval of the Mayor. The Electrical Office shall be responsible for the enforcement of the provisions of the Code of Massachusetts Regulations applicable to electrical wires and electrical fixtures. For the purposes of G. L. Chapter 166 §32, the City Electrician shall have the powers of an Inspector of Wires.

(Ord. No. 131, 9-6-2012)

- 4) *Sanitary Office* - The Sanitary Office shall be headed by a Director of Public Health, who shall be appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, for a term not to exceed three years. The Sanitary Office shall be responsible for enforcement of all provisions of the Code of Massachusetts Regulations promulgated by the Department of Public Health of the Commonwealth (the so-called state sanitary code), and all rules and regulations promulgated by the Board of Health of Beverly.
- 5) *Weights and Measures Offices* - The Weights and Measures Offices shall be headed by a Sealer of Weights and Measures, appointed by the Director of Municipal Inspections, subject to the consent of the Mayor. The Weights and Measures Office shall be responsible for the inspection and sealing of all scales and measuring devices used in the City of Beverly.
- 6) *Zoning Enforcement Office* - The Zoning Enforcement Offices shall be headed by a Zoning Enforcement officer who shall be the Director of Municipal Inspections. The Zoning Enforcement Offices shall be responsible for the enforcement of the provisions of the zoning ordinance of the City as provided in Chapter 40A, § 7.
- 7) *Historic Districts Commission* - The Historic Districts Commission shall be responsible for the enforcement of the provisions of the historic district ordinance of the City as provided in Chapter 40, Section 8D.

- 8) *Conservation Commission* - The Conservation Commission shall be responsible for the enforcement of the provisions of the wetlands protection ordinance of the City and the enforcement of orders issued by the Conservation Commission as provided in sections 40 and 40A of Chapter 131 of the General Laws and in 310 CMR.
- 9) *Fire Safety Office* - The Fire Safety Office shall be headed by the Fire Chief or by a fire safety officer appointed by the Fire Chief, subject to the approval of the Mayor. The Fire Safety Office shall be responsible for the enforcement of the provisions of Chapter 148 of the General Laws and 527 CMR in the City of Beverly.

Section 6.17 Parking Clerk Office

- (a) The Parking Clerk shall be appointed by the director of finance, subject to the consent of the Mayor, and shall be responsible for the collection of fines and penalties imposed under the parking regulations of the city.

Section 6.18 Planning and Development Department

- (i) Establishment There shall be a Department of Planning and Development (as provided in Section 5-5 of the Charter) which shall be responsible for the coordination of all of the planning and development-related activities of the City and for the supervision and coordination of all activities of all City Agencies in relation to any planning and development-related activities conducted by any such agency of the City.
- (b) Purpose.
 - (i) The planning department shall administer governmental and municipal functions and responsibilities in the field of city planning, and coordinate efforts directed toward the future development of the city to assure its continued improvement consistent with its physical, social and economic conditions and resources. (Rev. Ords. 1973, §21-9)
- (c) Composition; appointments, etc.
- (d) The planning department shall consist of a planning director as the head thereof, and such subordinate officers and employees as the City Council, with the advice of the Mayor shall determine are necessary for the proper administration of the department. All appointments, including that of the planning director, shall be made by the Mayor subject to the confirmation of the City Council. All positions, except that of the planning director, shall be subject to the provisions of chapter 31 of the General Laws. Termination of employment of the planning director shall be by a vote of the majority of the planning board or by his resignation. (Rev. Ords. 1973, §21-10) Scope of Department Activities

- (i) The Department of Planning and Development shall be responsible for the coordination of all planning and development related activities of the City government and shall include the following agencies and functions:
 - 1) Planning Board;
 - 2) Board of Appeals;
 - 3) Conservation Commission;
 - 4) Historic District Commission;
 - 5) Industrial Development Financing Authority;
 - 6) Design Review Board;
 - 7) Parking and Traffic Commission;
 - 8) Economic and Community Development Council;
 - 9) Community Development Office;
 - 10) Airport Commission;
 - 11) Beverly Harbor Management Authority.
- (e) Operating Offices:
 - (i) The Department of Planning and Development shall consist of the following offices whose duties and powers shall be set forth by ordinance:
 - 1) *Planning Office* -The Planning Office shall make careful studies of the resources, possibilities and needs of the City and shall make careful plans for the development of the City. The Planning Office shall include a Planning Board. The Planning Board shall have the power to regulate the development of land within the City, as authorized by MGL Chapter 41, Sections 81A through 81JJ, by the adoption, administration and enforcement of rules and regulations. The Planning Board shall report to the City Council its recommendations for all amendments and revisions of the zoning ordinance as is provided in MGL Chapter 40A, section 5. The Planning Board shall be a special permit granting agency as specifically provided in the zoning ordinance and as provided in MGL Chapter 40A, Section 9.

- 2) *Appeals Office* - The Appeals Office shall consist of a Board of Appeals as may be provided for by ordinance and in the zoning ordinance. The Board of Appeals hears and decides individual cases brought by persons seeking land use relief; all as provided for in MGL Chapter 40A, Sections 7 through 17, and the zoning ordinance of the city. The Board of Appeals shall be a special permit granting agency for certain uses which are specifically provided in the zoning ordinance and as provided in MGL Chapter 40A, Section 9. The Board of Appeals acts on matters of subdivision control under the applicable sections of MGL Chapter 41, Sections 81Y, 81Z, 81AA, 81BB, and decides on comprehensive permits pursuant to the provisions of MGL Chapter 40B, sections 20 - 23.
- 3) *Conservation Office* - The Conservation Office shall consist of a Conservation Commission of seven members as shall be provided for by ordinance. The purpose of the Conservation Commission is to protect, promote and enhance the quantity and quality of the natural resources within the City, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The Conservation Commission may conduct researches into its local land areas, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes. The Conservation Commission is an advisory and regulatory committee of the City. The Conservation Commission may receive gifts, bequests, or devises of personal property or interests in real property in the name of the City, subject to approval of the Mayor. The Conservation Commission may receive monetary gifts for development of a Conservation Fund, and expend the same, subject to the General Laws and the approval of the Mayor. The Conservation Commission is responsible for the implementation of the provisions of MGL Chapter 131, sections 40 and 40A and the Beverly Wetlands Ordinance in protecting riverfront areas, flood plains, sea coasts, water bodies and other wetlands and inland wetlands within the City, and of the Wetlands Protection and Aquifer Protection provisions of the General Ordinances of the City (if any). The Conservation Commission is responsible, with the Recreation Commission, for development and adoption of the City's Open Space and Recreation Plan. The Conservation Commission may adopt policies and promulgate land management plans for properties of the City reserved for conservation purposes.
- 4) *Historic Districts Office* - The Historic Districts Office shall consist of a Historic Districts Commission to consist of seven members as provided for by ordinance.

- a) The Historic Districts Office shall seek to preserve, protect, and develop the historical and archaeological assets of the City. The Historic Districts Office may conduct research for places of historic and archaeological value, and shall cooperate with the state archaeologist in conducting such research. The Historic Districts Office shall seek to coordinate the activities of unofficial bodies organized for similar purposes and may, subject to appropriation and approval by the Mayor, advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.
 - b) The Historic Districts Office, for the purpose of protecting and preserving such places, may make such recommendations as it deems necessary to the Mayor and City Council, and, subject to the approval of the City Council, to the Massachusetts Historical Commission, that any such place be certified as an historical or archaeological landmark.
 - c) The Historic Districts Office may hold hearings, may recommend to the Mayor execution of contracts with individuals, organizations and institutions or services furthering the objectives of their program, may recommend to the Mayor execution of contracts with local or regional associations for cooperative endeavors furthering their program, and may with the approval of the Mayor, accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering its programs. The Historic Districts Office may recommend to the Mayor the acquisition of property by gift, purchase, grant, bequest, devise, lease or otherwise a fee or lesser interest in real or personal property of significant historical value.
- 5) *Office of Community Development* – The Economic Development Office shall include an Office of Community Development. The Office of Community Development shall formulate, under the auspices of the Mayor, a community and economic development policy. The Office of Community Development shall provide a vehicle for coordination and communication between all development agencies and officials and the Mayor's office in order to ensure a timely governmental response to development issues, opportunities and problems. The Office of Economic Development shall include an Industrial Development Finance Authority as provided for by ordinance.
 - 6) There shall be a Design Review Board as provided for by ordinance.
 - 7) There shall be an Airport Office headed by an Airport Commission as provided for by ordinance.
 - 8) There shall be a Parking and Traffic Offices as provided for by ordinance.

- 9) There shall be a Harbor Management Authority as provided in Chapter 221 of the Acts of 1987 and as provided for by ordinance.

Section 6.19 Police Protection Department

(a) Establishment

- (i) There shall be a Department of Police Protection which shall be responsible for the coordination of all the police-related activities of the City and for the supervision and coordination of all activities of all City Agencies in relation to any police safety matter.

(b) Scope of Department Activities

- (i) The department of police protection shall be responsible for and shall include the following functions:

- 1) Police Office
- 2) Animal Control Office
- 3) Harbor Office

(c) Operating Offices

- (i) *Police Office* - The Police Office shall be responsible for maintaining, keeping and preserving the public peace and order. It shall be responsible for programs of crime prevention, crime detection and for traffic safety and enforcement of rules and regulations governing the operation of motor vehicles and the use of ways by pedestrians. The functions of the Police Office shall include but are not limited to those enumerated below.

- 1) The Police Office shall be responsible for the following specific functions:

- a) *Crime prevention.* Preserve the public peace, prevent crime, and detect and arrest offenders.
- b) *Traffic enforcement.* Administer and enforce laws regulating, directing, controlling and restricting the movement of vehicular and pedestrian traffic, and the general use of the streets by vehicles and the public.
- c) *Training.* Operate a training program to maintain and improve the competence and efficiency of the members of the department.
- d) *Incident report preparation.* Prepare reports on injuries to persons and property occurring by accident or otherwise on the streets, in alleys and other public places within the City as required by law.

- e) *Weapons disposition.* Provide a procedure for the destruction or other disposition of all weapons or other articles used in the commission of crime or coming into the custody of the department; provided, that where such weapon or article may be used as evidence in either a civil or criminal proceeding, it shall in no way be disposed of except upon a written order of a court of law.
- f) *Lost property.* Provide a procedure for the sale of unclaimed, lost or stolen articles coming into the custody of the department.
- g) *Animal Control Office* - The Animal Control Office shall be headed by the Animal Inspector as provided for by ordinance. In addition to the powers and duties provided by ordinance, the person appointed as the Animal Inspector shall also exercise the powers and perform the duties of Inspector of Animals, as provided by ordinance. The Animal Control Office shall be responsible for the enforcement of all laws relating to dogs, including but not limited to Section 136A to Section 175 of Chapter 140 of the General Laws and all ordinances of the City further regulating animals: The Offices shall also be responsible for the inspection of animals as required by Chapter 129 of the general laws and, in particular, for the regular inspection of neat cattle, sheep and swine and all other domestic animals.
- h) *Harbor Office* - The Harbor Office shall be headed by a Harbormaster as provided for by ordinance, who shall be appointed by the Police Chief, subject to the consent of the Mayor. The Harbormaster shall be appointed as a special police officer on the City waters and City waterfront property. The Harbor Office shall be responsible for the operation of all vessels in the harbor in conformity with sections 17 through 28 of Chapter 102 of the General Laws and all City ordinances adopted in relation to the harbor.
- i) *Prosecution* - The chief of police shall cause proceedings to be instituted for the prosecution of violations of laws or ordinances, and attend to the trial of the same; and each member of the police department shall enforce laws of the Commonwealth and the laws and ordinances of the city and discharge such other duties as may be required of him.

(Rev. Ords. 1973, § 22-8)

j) Investigation of accident - Upon the happening of any accident, wherein the city may become a party, or subject to any liability whatsoever, the chief of police or ranking officer shall forthwith cause a thorough investigation to be made. He shall see that all available witnesses are interviewed, measurements taken, plans made by the Director of Public Services, and photographs of the locus taken by a competent photographer, if in his opinion such steps are necessary to protect the city's interest. All data in reference to such accident shall be filed with the permanent records of the department for reference, and for the use of the city solicitor.

(Rev. Ords. 1973, § 22-13)

Section 6.20 Procurement and Contract Administration Department

(a) Establishment

- (i) There shall be a Department of Procurements and Contract Administration which shall be responsible for all procurements of services and supplies for all offices and agencies of the city government in conformity with the procedures and standards established by Chapter 30 B of the General Laws, and which shall oversee the administration of all design and construction contracts for public projects.

(b) Scope of Department Activities

- (i) The Department of Procurements and Contract Administration shall be responsible for and shall include the following functions:
 - 1) Study, establish and coordinate uniform procurement practices and procedures for City departments.
 - 2) Provide advice and assistance to individual employees on all procurement matters.
 - 3) Function as the agent for the Mayor in interfacing with department heads, supervisors and elected and appointed officials on all procurement matters, including both goods and services.
 - 4) Develop a set of guidelines to govern the disposition of surplus material and outdated, worn out or obsolete materials.

- 5) Administer designer selection in accordance with the provisions of MGL Chapter 7 and guidelines promulgated by the Department of Capital Assets and Management, including development of designer selection criteria and evaluation standards, advertising and other search techniques, proposal opening, proposal evaluation, award recommendations and contract execution.
- 6) Administer construction bidding in accordance with the provisions of MGL Chapters 30 and 149 and with guidelines promulgated by the Department of Capital Assets and Management, including coordination with the project designer of bid advertising, bid opening and contract awards.
- 7) Administer all contracts for construction to assure compliance with all legal requirements.
- 8) Develop and maintain a “Buy Recycled” policy to be followed by all departments and agencies of the city and provide advice and assistance to supervisory personnel in implementation of that policy. Provide a system to track and monitor the implementation of the “Buy Recycled” policy to assure continuing eligibility for any available grant programs.
- 9) Standardize forms and records to be used in the City's procurement and contract administration programs other than those forms and records whose format is regulated by statute or by State agency or agencies authorized, by law, to exercise oversight over specific elements of procurements.
- 10) Recommend to the Mayor and City Council the enactment of such ordinances as are considered necessary to implement and administer the City's procurements and contract administration programs.

Section 6.21 Public Services Department

(a) Establishment

- (i) There shall be a Department of Public Services which shall be responsible for the management of all the public services-related activities of the city and for the supervision and coordination of all activities of all City Agencies in relation to any public services matter.

(b) Scope of Department Activities

- (i) The Department of Public Services shall be responsible for and shall include (but is not limited to) the following functions:
 - 1) Highways, including maintenance and repair, sweeping, snow and ice removal and control of all public streets, roads, ways, bridges and sidewalks and storm-drain facilities of the city;

- 2) Forestry, including tree warden and superintendent of shade tree management and insect pest control as provided for by ordinance;
- 3) Garage, including maintenance and ordinary repair of all motor vehicles and equipment belonging to the city excluding only school department and fire department vehicles and equipment;
- 4) Cemetery maintenance and operation;
- 5) Grounds maintenance and landscaping, including all park and playground maintenance;
- 6) Maintenance and repair of all equipment and fixtures relative to the water/sewer systems in the City.

(c) Director of Public Services

- (i) *Appointment, Term of Office* - There shall be a Director of Public Services appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, to serve for a term not to exceed three years. A Director of Public Services shall serve until a successor is appointed and qualified.
- (ii) *Qualifications* - The Director of Public Services shall be a person especially fitted by education, training and experience to perform the duties of the office and shall have had at least five years of progressively responsible experience in public works administration.
- (iii) *Powers and Duties* - The Director of Public Services shall be responsible to the Mayor for the effective operation of the Department of Public Services.
- (iv) The Director of Public Services shall be responsible for management of all projects generated externally from public services, but involving more than one line division of the department and for the supervision of all matters relating to the department's scope of activities.

(d) Operating Offices

- (i) The Department of Public Services shall consist of the following offices:
 - 1) *Office of Labor Services* - The Office of Labor Services shall be responsible for the Labor related functions and activities of the city except water and sewers for which separate provision is made. The Office of Labor Services shall be responsible for the planning, design and construction of all assigned public works improvement projects.

- 2) *Office of Garage and Motor Vehicle Maintenance* - The Office of Garage and Motor Vehicle Maintenance shall be responsible for the maintenance and repair of all equipment and vehicles belonging to the department and of all other city equipment and vehicles which are assigned to it for maintenance and repair.
- 3) *Water/Sewer Office* - The Office of Water and Sewers shall be responsible for the operation, maintenance and emergency repair of all equipment and fixtures belonging to the office including the pump station.
- 4) *Forestry and Grounds Office* - The Forestry and Grounds Offices shall be responsible for all of the services of a tree warden as described in MGL Chapter 87 and for all of the services of a superintendent of shade tree management and pest control as described in MGL Chapter 132. The Forestry and Grounds Offices shall be responsible for the care and maintenance of all landscaped areas of the city, including the grounds around buildings, parks, playgrounds, public beaches and landings and such other landscaped areas as may from time to time be assigned to its care.

The public services department shall consist of permanent full-time employees and one (1) permanent part-time employee (clerk of the cemetery division of the public services department, to be funded by the cemetery board of managers). Temporary laborers are to be hired at the discretion of the director of public services. (Rev. Ords. 1973, § 24-10)
Cross reference-Officers and employees, § 2-196 et seq.[Repealed by Implication]

(a) There shall be established a division within the department of public services to be known as the municipal garage. All departmental motor vehicles of the city including snowplows, with the exception of vehicles controlled by the school department, shall be sent to the municipal garage for all repairs and inspections.

(b) All the expenditures in this department shall be in conformance with appropriations voted by the City Council.
(Rev. Ords. 1973, § 24-11)
[Repealed by Implication]

ARTICLE VII. MULTIPLE MEMBER BODIES

Section 7.01 Oaths of Office.

- (a) Persons Required to take Oath of Office. Every person who is elected or appointed to serve in a City office or as a member of a Multiple Member Body shall be required to take an oath of office in the presence of the City Clerk, before entering upon the duties of the office, which oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the City Clerk.
- (b) Form of Oath

Commonwealth of Massachusetts

County of Essex, ss.

, 200X

City of Beverly

I, _____, do solemnly swear that I will support the Constitution of the United States, the Constitution of the Commonwealth of Massachusetts, and the Charter and Ordinances of the City of Beverly; that I will faithfully, honestly and impartially discharge my duties as _____

during my service therein, so help me God.

(signature)

Subscribed and sworn to before me this _____ day of _____, 200X.

(signature)

City Clerk

Section 7.02 General Provisions

- (a) This Article of the City Ordinances describes all City Agencies comprised of Multiple Member Bodies and City Officers and the operating divisions of the Departments of the City Government which may be established from time to time by the Mayor all pursuant to the Charter Section 5-1. This Article further delineates the manner and time of appointment and terms of appointment generally, and authorities, responsibilities and interrelationships among all City Agencies.
- (b) Committees and Ad Hoc Committees
 - (i) Additional City Agencies and Committees may be established by the City Council by amendment to this portion of the City Ordinances. Ordinances establishing City Agencies shall specify the following: membership, term of

office, authorities and responsibilities, and may provide for the interrelationships among the City Council and the other City Agencies.

- (ii) The Beverly City Council may from time to time, based upon passage by a majority vote of its membership, establish ad hoc committees to assist the City Council in carrying out the council's responsibilities. Ad hoc committees shall be limited to a particular subject area and serve only in that capacity for a specific period of time.
- (iii) The Mayor, in like manner may, from time to time, establish ad hoc committees to assist the Mayor in examining any matter which would assist the Mayor in carrying out the duties and responsibilities of the office.
- (c) Committee membership shall be on an annual fiscal basis.
- (d) Appointment, Term of Office, Removals, Vacancies
 - (i) Pursuant to Beverly Home Rule Charter, Section 3-3, all members of all City Agencies and City of Beverly representatives to regional governmental boards and committees shall be appointed by the Mayor unless the law establishing such committee provides otherwise.
 - (ii) Appointments made by the Mayor shall be subject to review by the City Council in the manner provided in Charter Section 2-10.
 - (iii) The terms of office of the members of all Multiple Member Bodies shall be staggered so that approximately one-third of the membership, as nearly as is possible, shall expire each year. The term of office shall be designated at the time of the appointment. Numbers of members for multiple member bodies will vary. The Mayor shall annually evaluate all members subject to reappointment.
 - (iv) Members may be removed, subject to a hearing by the City Council, pursuant to the Charter, Charter Section 3-4. Any vacancy which occurs shall be filled by the Mayor for the remainder of the unexpired term, subject to the Charter, Section 2-10.
- (e) Annual Reports
 - (i) All Multiple Member Bodies shall prepare annual reports of their activities and submit same to the Mayor for inclusion in the annual report of the City, on or before the fourth Friday in July. The annual report shall describe fiscal year activities for the year ending each June 30.
- (f) Multiple Member Bodies - Internal Organization
 - (i) Each Multiple Member Body shall, at a minimum, annually elect from its membership, a chair, vice-chair and clerk. Multiple Member Bodies may further elect a treasurer, and such other officer or officers as are deemed necessary or as

required by statute. The annual election shall occur in July of each year, or as near after appointment of new members as may be practical. The Mayor, the City Council and the City Clerk shall be notified of the officers of the Multiple Member Body upon their election.

- (ii) The chair shall preside over all meetings of the Multiple Member Body, and shall be the official representative of the Multiple Member Body in all proceedings before the Mayor, the City Council, and other officials of the City. The vice-chair shall perform the chair's functions, in the absence of the chair. The clerk shall be responsible for the certification of the board's meeting minutes, observance of the public records law, and maintenance of other records of the board.
- (iii) In order that newly appointed members of Multiple Member Bodies might have the opportunity to become acquainted with the type and variety of matters which are likely to come before the Multiple Member Body during the term of appointment, the chair of each Multiple Member Body shall, forthwith upon receipt of notice of the appointment of a new member, provide such member with copies of the minutes of meetings of the body for the two prior years and copies of all laws, ordinances, rules or regulations governing or otherwise applicable to the office. The chair shall, within thirty days following receipt of notice of the appointment, meet with the new member and provide such orientation to the duties of the office as may be deemed necessary or desirable.
- (iv) Time and Place of Meetings
- (v) The clerk of each Multiple Member Body shall be responsible for notifying the City Clerk, the Mayor, and the City Council on or before the first of January, of the regularly scheduled board meeting times and dates for the ensuing calendar year. The notification shall also include a location for each regular meeting. This shall not prevent boards from calling special meetings in addition to those regularly scheduled, provided that, in all instances, standards of the Open Meeting Law are followed. The City Clerk shall ensure posting of all meeting schedules consistent with the Open Meeting Law. No Multiple Member Body shall schedule a regular meeting which conflicts with a regularly-scheduled meeting of the City Council.
- (vi) Authority to Establish Subcommittees
- (vii) Each Multiple Member Body may, by a majority vote of its membership, establish subcommittees for the purpose of addressing a particular issue or issues. A report of their activities shall regularly be made to the full Multiple Member Body. Each subcommittee so established shall observe laws relevant to the keeping of public records, the open meeting law, and any other laws as prescribed by the Charter, by ordinance or by law.
- (g) References to State Statutes

- (i) The references to state statutes which are contained in the sections which follow describing the powers, duties, and responsibilities of the offices and agencies therein enumerated are provided for the purpose of describing the scope of authority which may be exercised by the City in respect to each particular matter. No such enumeration shall in any way be construed to limit the ability of the City to reorganize itself and to redistribute powers, duties and responsibilities to and among various officers and under various titles authorized by section 20 of Chapter 43B of the General Laws and Article 5 of the Charter.
- (h) Eligibility for Service as a Member of a Multiple Member Body
 - (i) **City Employees** - No permanent full time municipal employee of the City is eligible to be appointed to a Multiple Member Body of the City, unless otherwise authorized by Ordinance. This limitation shall not apply to ad hoc committees as further defined herein.
 - (ii) **Residence Requirement for other City Offices** - All members of all Multiple Member Bodies, shall be residents and registered voters of the City, except for the Airport Commission which may have two (2) members from the Town of Danvers as provided by these Ordinances. If any duly appointed member Multiple Member Body shall no longer reside and be registered to vote in the City, then he or she shall immediately notify the Mayor and that position shall be considered vacated immediately. This provision may be waived by a two-thirds vote of the City Council when acting on a recommendation made by the Mayor, but only for the duration of the unexpired term.
- (i) Supplementary Administrative Assignments
 - (i) Whenever the Mayor determines that the needs of the City so require, the Mayor may assign, on a temporary basis, to any City Agency duties in addition to those duties detailed for the agency in these ordinances, provided such additional duties are reasonably related to the regular duties of such City Agency.

Section 7.03 Aging, Council on

- (a) **Composition** - There shall be a Council on Aging, consisting of nine members. The members of the Council on Aging shall annually elect one of the nine members appointed by the Mayor to act as chair. The term of each member shall be for three years, staggered so that three members are appointed each year.
- (b) **Authorities and Responsibilities** - The Council on Aging shall coordinate and conduct programs dealing with problems for the aging and promote facilities for the health, education, welfare and recreation of the aging. It shall annually submit a budget to the Mayor and City Council for their approval. It shall make an annual report on or before the first day of February to the Mayor and City Council, and shall make such other reports as from time to time may be requested. The Council on Aging shall be an advocate for the needs of the elderly people residing in the City. The Council on Aging shall conduct surveys of the elderly

population to better determine their needs, problems and concerns. The Council on Aging develops criteria for program and supportive services development based upon an assessment of needs, and participates in programs offered by the Commonwealth's Department of Elder Affairs. The Council on Aging is an advisory committee of the City. (Rev. Ords. 1973, § 2-73)

Section 7.04 Airport Commission

- (a) **Composition** - There shall be an Airport Commission consisting of eleven (11) members, . Members of such commission shall not have any affiliation or interests, directly or indirectly, with any operating firm or lessee at the airport and aviation facilities. Two members shall be residents of the Town of Danvers as shall be recommended by the Town Manager of the Town of Danvers, who shall recommend said members to the Mayor for appointment failure of which additional residents of Danvers shall be sought. The members of the airport commission shall be appointed by the Mayor, with the approval of the City Council, for terms of three (3) years each, or until their successors are appointed and approved. Vacancies in the commission shall be filled for the unexpired term by the appointing authority.

(Ord. No. 358, 1-6-2005)

- (b) **Authorities and Responsibilities** - The Airport Commission is responsible for the custody, care, and maintenance of the Beverly Municipal Airport, (also known as John Mountan Field) all other municipal aviation facilities in the city as well as ensuring safe and efficient operation under pertinent rules and regulations. The Commission operates under the authorities provided to Airport Commissions pursuant to General Laws Chapter 90, by the Charter, ordinances, and by any other State and/or Federal rules and regulations governing airports.
- (c) The Mayor appoints an airport manager who is the executive officer of the Commission, who may, with the consent of the Mayor, appoint an assistant airport manager. The Airport Commission may, consistent with State procurement regulations, and with the consent of the Mayor, let or lease land areas at the airport for up to 20 years, determine charges or rentals for property, facilities, installations, landing fees and services, and determine the terms and conditions for such charges. Subject to the approval of the Mayor and City Council, the Airport Commission may let or lease for longer periods.
- (d) The Airport Commission, subject to the consent of the Mayor, is authorized to expend any funds granted by the City, State or Federal government for airport purposes, and may make contracts for the maintenance, operation, construction, enlargement, and improvement of the airport pursuant to the laws of the Commonwealth governing the making of such contracts.
- (e) The Airport Commission shall adopt rules and regulations for the use of the airport or for the safety of the public upon or beyond the limits of the airport

under its control. Such rules and regulations must be approved by the Massachusetts Aeronautics Commission and published in the same manner that ordinances are required to be published.

- (f) If the Airport Commission obtains an offer for a grant of federal funds, it shall designate the Massachusetts Aeronautics Commission as its agent to receive federal funds and receipt therefore in its behalf, and, subject to the consent of the Mayor, shall enter into an agreement with the Massachusetts Aeronautics Commission prescribing the terms and conditions of such agency in accordance with federal laws, rules and regulations, and applicable laws of the commonwealth.
- (g) The Airport Commission may invite bids for any contract involving the acquisition, establishment, construction, enlargement, protection, equipment, maintenance, or operation of its airport, and shall submit every such proposed contract to said Massachusetts Aeronautics Commission for approval. After approval has been given, the Airport Commission may, subject to the consent of the Mayor, award such contracts, subject to availability of appropriation.
- (h) Except as otherwise provided in this or any other ordinance of the City, the Airport Commission assumes all other responsibilities and authorities granted pursuant to General Laws, Chapter. 90, and pertinent State and/or Federal regulations.

Section 7.05 Appeals, Zoning Board of

- (a) **Composition** - There shall be a Zoning Board of Appeals consisting of five members and up to four associate members (See zoning ordinance for specific provisions).
- (b) **Authorities and Responsibilities** - The Zoning Board of Appeals hears and decides individual cases brought by persons seeking land use relief; all as provided for in General Laws, Chapter 40A, Sections 7 - 17, and the zoning ordinances of the City. The Board of Appeals for Zoning is an advisory and regulatory committee of the City.
- (c) The Zoning Board of Appeals acts as a board of appeals on matters of subdivision control under the applicable Sections of MGL Chapter 41, Sections 81Y, 81Z, 81AA, 81BB; and decides on comprehensive permits pursuant to the provisions of MGL Chapter 40B, s 20 - 23.

Section 7.06 Assessors, Board of

- (a) **Composition** - There shall be a Board of Assessors consisting of three members, one (1) of whom shall be chief assessor and chairman of the board.
- (b) **Authorities and Responsibilities** - The Board of Assessors shall annually determine the valuation of all real and personal property, subject to taxation

within the City. The Board of Assessors shall annually determine the annual tax rate necessary to provide for the budget approved by the City. The Board of Assessors hears and decides all questions relating to the abatement of taxes levied by it. It has all of the other powers, duties and responsibilities which are given to Boards of Assessors by general laws.

Section 7.07 Award to Municipal Employees Committee.

- (a) There is hereby created an "award to municipal employees committee," consisting of five (5) members, appointed yearly by the Mayor, subject to confirmation by the City Council whose duty shall be to gather, classify and judge suggestions and make monetary awards to eligible city employees, who submit the most valuable suggestions for improving the service of the municipality.
- (b) The committee shall be unpaid and shall operate under the following conditions:
- (c) The committee shall accept suggestions, in writing only, with the signature of the employee affixed thereto.
- (d) The suggestions shall become the property of the city.
- (e) The committee shall turn over all suggestions to the City Council within three (3) months after they have been received.
- (f) The committee shall have the power to make rules and regulations governing the awards and the amounts thereof, subject to the provisions of chapter 40, section 5, subsection (43) of the General Laws.
- (g) All municipal employees having attained their office by the electorate shall be eligible to participate in this program.
- (h) Department heads and executive boards shall be disqualified from entering suggestions relative to their own department only.

(Rev. Ords. 1973, § 20-4)

Section 7.08 Beverly Golf and Tennis Club Commission

- (a) **Composition** - There shall be a Beverly Golf and Tennis Club Commission consisting of nine (9) members which shall have the custody, care and management of the facility known as the Beverly Golf and Tennis Club. Members of such commission shall not have any affiliation or interest, directly or indirectly, other than an annual membership as may be prescribed under the rules and regulations of the commission, with any operating firm, third party vendor, or lessee of the Beverly Golf and Tennis Club facilities. Its membership shall consist of seven (7) members from the public, one (1) member of the Conservation Commission, and one (1) member of the Parks and Recreation Commission. (Rev. Ords. 1973, § 2-88)

(b) Authorities and Responsibilities

- (i) Such commission shall make rules and regulations not otherwise inconsistent with law, and may set and collect any fees which shall be applied to a specific account established with and supervised by the City Treasurer. All rules and regulations and the fee schedules adopted shall be subject to the approval of the Mayor and City Council.
- (ii) The commission shall let or lease the Beverly Golf and Tennis Club, or any part thereof, with the approval of the Mayor and the City Council. No modification or waiver of the term of any lease by the commission shall be effective without the approval of the Mayor and the City Council. (Rev. Ords. 1973, § 2-90)
- (iii) The Beverly Golf and Tennis Club Commission under no circumstances shall hire any personnel. (Rev. Ords. 1973, § 2-91)
- (iv) The Beverly Golf and Tennis Club Commission shall make an annual report on or before the first day of August to the Mayor and the City Council, reflecting the financial operation of the previous fiscal year, and shall make such other reports as from time to time may be required. (Rev. Ords. 1973, § 2-92)
- (v) There shall be no parking in areas properly posted and designated by the Commission as "No parking" areas at the Beverly Golf and Tennis Club. (Rev. Ords. 1973, § 2-92A)

Section 7.09 Beverly Housing Authority

- (a) **Composition** - The housing authority shall be managed, controlled and governed by five members, appointed as provided in this section, of whom three shall constitute a quorum.
 - (i) Four members of the Beverly Housing Authority shall be appointed by the Mayor, subject to confirmation by the City Council, for terms of three years each, such that the terms of each member expires in a different year.
 - (ii) One member of the Beverly Housing Authority shall be appointed by the Massachusetts Department of Housing and Community Development (Department) for a term of three years which expires in a different year than any member appointed by the Mayor.
 - (iii) One of the four members of a Beverly Housing Authority appointed by the Mayor shall be a resident of the City and shall be a representative of organized labor who shall be appointed by the Mayor from a list of not fewer than two nor more than five names, representing different unions submitted by the Central Labor Council, AFL-CIO and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America of the City or of the district within which the City is included. If no such list of names is submitted within

sixty days after a vacancy occurs, the Mayor may appoint any representative of organized labor to the authority.

- (iv) One of the four members of a Beverly Housing Authority appointed by the Mayor shall be a tenant in a building owned and operated by or on behalf of the local Beverly Housing Authority who shall be appointed by the Mayor from lists of names submitted by each duly recognized City-wide and project-wide tenants' organization in the City. A tenants' organization may submit a list which contains not fewer than two nor more than five names to the Mayor, who shall make the selection from among the names so submitted; provided that, where no public housing units are owned and operated by the local Beverly Housing Authority and no such units are owned and operated on behalf of the local Beverly Housing Authority, the Mayor shall appoint any tenant of the Beverly Housing Authority from lists submitted in accordance with this Section. If no list of names is submitted within sixty days after a vacancy occurs, the Mayor shall appoint any tenant to the authority. The Mayor shall notify in writing tenant organizations as specified herein not less than ninety days prior to the expiration of the term of a tenant member. Whenever a vacancy occurs in the term of a tenant member for any reason other than the expiration of a term, the Mayor shall notify in writing the tenant organizations specified herein within ten working days after the vacancy occurs. The Mayor shall make an appointment within a reasonable time after the expiration of sixty days after said notice.
- (v) Vacancies, other than by reason of expiration of terms, shall be filled for the balance of the unexpired term, in the same manner as the original appointment.
- (vi) As soon as possible after the qualification of the members of a Beverly Housing Authority, the City Clerk shall file a certificate of such appointment with the Department, and a duplicate thereof, in the office of the state secretary. If the state secretary finds that the Beverly Housing Authority has been organized and the members thereof appointed according to law, he shall issue to it a certificate of organization, and such certificate shall be conclusive evidence of the lawful organization of the authority and of the appointment of the members thereof.
- (b) ***Authorities and Responsibilities*** - The Beverly Housing Authority shall make careful studies of the housing needs within the City, and shall provide such programs to make available housing for families of low income and for elderly persons of low income as it deems to be necessary or desirable. The Beverly Housing Authority shall have all of the powers, duties, authorities and responsibilities as are afforded to such entities under General Laws, Chapter 121B.

Section 7.10 Building and Other Facilities Planning and Construction Committee

- (a) ***Composition, Mode of Appointment and Term of Office*** - There shall be a permanent Building and Other Facilities Planning and Construction Committee (which may be referred to as the Planning and Construction Committee)

consisting of seven members. Six of the committee members shall be appointed by the Mayor for terms of three years each, so arranged that the term of two members shall expire each year. In making appointments to the committee, the Mayor shall seek persons having experience in the fields of architecture, engineering, construction, real estate or law. The seventh member of the committee shall be designated by the school committee and may, but need not, be a member of the school committee. This Committee shall serve directly under the Mayor.

- (b) ***Authorities and Responsibilities*** - The Buildings and Other Facilities Planning and Construction Committee shall be responsible for monitoring the physical condition of all municipal buildings and other facilities. The committee shall meet from time to time with representatives of all relevant City Agencies to evaluate the need for additions, renovations or remodeling of any existing building or facility or for the construction of new buildings or other facilities. The committee shall file written reports, at least annually, with the Mayor in which it shall make recommendations as to the need for any project or projects.
- (i) Whenever any construction work on any municipal building or other facility is authorized, the Buildings and Other Facilities Planning and Construction Committee shall be responsible for all work in connection with the project including site planning, surveying, engineering studies, architectural plans and specifications and the supervision of construction.

Section 7.11 Cable Television Advisory Committee

- (a) ***Composition*** - There shall be a Cable Television Advisory Committee (CTAC) consisting of nine (9) members and three (3) alternate members.
- (b) ***Authorities and Responsibilities*** - The CTAC advises the Mayor on matters relating to the licensing and supervision of a contract for cable services in the City consistent with General Laws, Chapter 166A. Consistent with the cable contract, the CAC may be designated by the Mayor to exercise certain authorities under the contract.
- (i) The CTAC acts as a sounding board for citizen complaints and suggestions relating to the cable television services and Internet and shall, under the direction of the Mayor, refer subscriber complaints to the cable operator for appropriate resolution. The CTAC meets not less than once each quarter for the purpose of reviewing cable contract compliance, and advising on other licensing matters.
- (ii) The CTAC shall also specifically address itself to the following matters:
 - 1) The continued review of the original contract, with the right to "call for action" to negotiate with the licensee to address discrepancies that occur;

- 2) The ongoing study of rules and regulations issued by the state advisory commission, and briefings to keep up with changing state of the art in the communications technologies;
- 3) Acting as liaison for the public, for cable T.V. programming and public access in the City (studies, evaluations, recommendations);
- 4) A commitment to advising and educating regarding all of the above, for the Mayor and for the residents of the City;
- 5) The CTAC shall develop and submit to the City Council a document, including a policy statement and specific procedures for use of cable television, for coverage of political campaigns for elections set by the City Council. The City Council shall approve such document, return it to the commission for additional work, or amend it as the City Council sees fit. Thereafter, an updated document will be submitted to the City Council once a year on March first;
- 6) On all matters pertaining to public issues under consideration by City Agencies, the CTAC shall see to it that coverage is fair and unbiased.

Section 7.12 Cemetery Commission

- (a) **Composition** - There shall be a Board of Managers of Public Cemeteries (which shall be called the Cemetery Commission) which shall consist of five (5) persons: one (1) to be the Director of Public Services, one (1) to be the Finance Director or a designee of the Finance Director, one (1) to be a member of Conservation Commission, to be designated by that body, one (1) to be a member of the Historic Districts Commission, to be designated by that body, and one (1) to be appointed in the month of February (in different years) for a term of two (2) years by the Mayor, subject to confirmation by the City Council. One of the members of the Board of Cemetery Managers shall serve as clerk for the purpose of maintaining minutes of the Board's proceedings and other tasks as may be required from time to time.
- (b) **Authorities and Responsibilities**
 - (i) *Organizational meeting; record of proceedings.* - The Cemetery Commission shall meet as frequently as its duties require, and, at its first meeting of each year, it shall elect a chairman and also a clerk. The clerk shall keep a record of all proceedings of the board.
 - (ii) *Powers and duties; rules and regulations.* - The Cemetery Commission shall make all necessary rules and regulations concerning the operation of public cemeteries. The Cemetery Commission may lay out the public cemeteries and burial places of the City into lots and may sell and convey to any persons, whether residents of the City or otherwise, the exclusive right of burial and of erecting tombs, monuments, or cenotaphs. The Cemetery commission will make

recommendations to the Mayor relative to the acquisition of lands for the expansion of public cemeteries, and will be charged with the layout of existing cemetery properties using available space to the maximum practicable extent. The Cemetery Commission shall make an annual report to the City Council.

- (iii) *Revenues; Disposition of Proceeds.* – Receipts for the delivery of services shall be deposited with the General Fund. Proceeds from the sale of cemetery lots will be deposited in the “Sale of Lots Fund” and the “Endowment Fund ” according to the then current schedule of rates. The Cemetery Commissioners will annually appropriate transfers from these fund accounts for the care of cemeteries.
 - (iv) *Maintenance of cemeteries* - The maintenance of cemeteries shall be the sole responsibility of the Director of Public Services.
- (c) Endowment of lots; perpetual care.

- (i) The cost of graves, perpetual care, openings and any other related costs shall be determined by the board of managers of the cemetery division of the public services department and a fee schedule shall be posted in the city clerk's office. Such sums shall be entered upon the city collector-treasurer's books and shall be invested under the direction of the commissioner of trust funds in such manner as shall show the name of the person from whom, and the lot or lots, grave or graves, on account of which the same was received. Such lot or lots, grave or graves, shall be in condition acceptable to the board of managers of public cemeteries before such donation shall be deposited. The collector-treasurer shall keep a separate account of each deposit thus made and collect the income thereof and credit the same on each account. Upon receipt of money for the endowment of a lot or lots, grave or graves, the city collector-treasurer shall make receipts in duplicate showing the name or names of the person or persons making the deposit, the date of the same, and designating the location and ownership of the lot or lots, grave or graves, to be endowed, one (1) copy of which is to be given to the person or persons making the deposit and one (1) copy to the clerk of the board of managers of public cemeteries. It shall be the duty of the board of managers to apply the income of all investments made under the provisions of this section for the care and preservation of each particular lot or grave for which a deposit has been made and so invested. (Rev. Ords. 1973, § 5-5; Ord. No. 122, 2-21-89)

State law references-Cemeteries and dead bodies generally, M.G.L. c. 114, § 1 et seq., c. 272, § 70 et seq.; authority of cities to make appropriations for burial grounds, M.G.L. c. 40, § 5(8), c. 114, § 15.

Section 7.13 Clean Energy Advisory Committee

- (a) Establishment: Composition: Term of Office, Vacancies.

- (i) There is, hereby established the Clean Energy Advisory Committee consisting of seven (7) members, three of whom shall be appointed by the Mayor and four of whom shall be appointed by the City Council. The Clean Energy Committee shall also consist of three (3) ex officio advisors having no voting authority and shall include the Commissioner of Public Services or his/her designee, the Director of Building and Grounds or his/her designee and the Wiring Inspector or his/her designee. Each of the appointees preferably shall have demonstrated interest in the field of clean energy. All appointments shall be for a term not to exceed three years. All appointment shall be subject to review by the City Council.

(b) Authorities and Responsibilities

- (i) The clean Energy Advisory Committee shall act in an advisory capacity to the Mayor, City Council, and other interested departments, boards, commissions or committees and to the citizens of Beverly relative to any and all matters concerning the conservation of energy. It shall facilitate the adoption of renewable energy sources and practices.
- (ii) A majority of the appointed members presently named and serving on the committee shall constitute a quorum, and no meeting shall be continued without a quorum present. A majority of the members presently named and serving on the committee shall be necessary for the approval or disapproval of any recommendation.
- (iii) The Committee shall adopt rules and regulations for keeping accurate minutes of their meetings.
- (iv) The committee shall appear before the City Council in the months of March and October and present a verbal written annual report.
- (v) The Clean Energy Advisory committee's functions shall include, but are not limited to the following:
 - 1) Assist in developing a comprehensive city energy policy for current and future use.
 - 2) Identify funding sources and resources that could be used to implement energy programs designed to conserve energy.
 - 3) Facilitate the adoption of energy conservation in public buildings, vehicles and equipment.
 - 4) Research and provide information regarding municipal strategies related to energy efficiency and sustainable development.
 - 5) Educate the public in matters of clean energy

(Ord. No. 61, 4-9-2008)

Section 7.14 Conservation Commission

- (a) **Composition** - There shall be a Conservation Commission consisting of seven members.
- (b) **Authorities and Responsibilities** - The purpose of the Conservation Commission is to protect, promote and enhance the quantity and quality of the natural resources within the City, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The Commission may conduct researches into its local land areas, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.
- (c) The Conservation Commission may receive gifts, bequests or devises of personal property or interests in real property in the name of the City, subject to approval of the Mayor. The Commission may receive monetary gifts for development of a Conservation Fund, and expend the same, subject to the General Laws and the approval of the Mayor.
- (d) The Conservation Commission is responsible for the implementation and enforcement of the provisions of General Laws, Chapter 131, Section 40 in protecting flood plains, sea coasts and other wetlands within the City, in accordance with the General Laws and the Wetland Protection Ordinance, and it shall have the powers, duties and responsibilities given to Conservation Commissions by Chapter 40, Section 8C.
- (e) The Conservation Commission is responsible, with the Open Space and Recreation Committee, for the development and adoption of the City's Open Space and Recreation Plan, subject to City Council approval. The Commission may adopt policies and promulgate land management plans for properties of the City granted to or reserved for conservation purposes.

Section 7.15 Contributory Retirement Board

- (a) **Composition** - There shall be a Contributory Retirement Board which shall consist of five members. The Director of Municipal Finance shall serve, ex officio, as a member of the board, one member shall be appointed by the Mayor, two members shall be elected by the members in or retired from service of such system from among their number, and the fifth member, who shall not be an employee or retiree or official of the City of Beverly, shall be chosen by the other members. The terms of all members shall be for three years. [Note: see MGL. C. 32, §20, 4, (b)]
- (b) **Authorities and Responsibilities** - The Contributory Retirement Board shall have the powers and duties provided in subdivision (5) of General Laws, Chapter 32, Section 20 and shall be responsible for the management of the retirement system

for the City of Beverly subject to the requirements of General Laws, Chapter 32 and to the oversight of the Commissioner of Public Employee Retirement as provided in General Laws, Chapter 32, §21, and otherwise.

Section 7.16 Cultural Council

- (a) **Composition** - There shall be a Cultural Council, to consist of eleven members. Members shall have demonstrated scholarship or creativity in, or distinguished service to, the arts, humanities, or interpretive sciences.
- (b) **Authorities and Responsibilities** - The Cultural Council decides the distribution of arts lottery funds or other funds that may be available to it, and may also conduct other activities to promote and encourage the arts, humanities, or interpretive sciences. The Cultural Council operates pursuant to the provisions of General Laws, Chapter 10, Section 58, as amended.

Section 7.17 David S. Lynch Public Parks Fund, Trustees of

- (a) David S. Lynch Public Parks Fund
 - (i) The legacy bequeathed to the city by the late David S. Lynch shall be known as the David S. Lynch Public Parks Fund.
- (b) Board of trustees-Composition; appointments; terms; compensation; officers; vacancies.
 - (i) The David S. Lynch Public Parks Fund shall be administered by a board of seven (7) trustees, serving without compensation, one (1) of whom shall be the Director of Public Services of the city by virtue of his office, and one (1) member of the Beverly Improvement Society to be chosen annually by the Mayor from a list of three (3) members submitted by him to that body. The other five (5) members shall be appointed by the Mayor, subject to confirmation by the City Council, the original appointment being one (1) member to serve until the first day of October, 1959, and one (1) member to serve until the first day of October in each succeeding year up to 1963; thereafter, all such appointments shall be for the term of five (5) years. Vacancies may, in like manner, be filled for the unexpired term. The trustees shall annually elect one (1) of their members to act as chairman. (Rev. Ords. 1973, § 2-68)
- (c) **Authorities and Responsibilities** - The Board of Trustees of the David S. Lynch Public Parks Fund shall have the power to expend from the income of such fund and, in addition thereto, fifty thousand dollars (\$50,000.00) from the principal for capital improvements only, the remainder to be left intact and only the interest to be used, and in accordance with the terms of the will of David S. Lynch, such sums of money as are voted from time to time by a two-thirds majority vote of the entire board, subject to the approval by the Mayor and City Council. The Board of Trustees of the David S. Lynch Public Parks Fund shall keep a record of its doings and at

the close of each municipal year shall make a report thereof to the Mayor and City Council. The Commissioners of Trust Funds of the City shall have the custody of and invest and distribute in accordance with the lawful vote of the Board of Trustees of the David S. Lynch Public Parks Fund, the income and fifty thousand dollars (\$50,000.00) of the principal of the David S. Lynch Public Parks Fund. (Rev. Ords. 1973, § 2-69)

(Rev. Ords. 1973, § 2-67)

Section 7.18 Design Review Board

- (a) **Composition** - The Mayor shall appoint, subject to confirmation by the City Council, a Design Review Board to consist of seven (7) members: one (1) member shall be a representative from the planning staff, one (1) member from the Planning Board, one (1) member from the Board of Appeals, but not an associate member, one (1) member from the Historical Commission, and the remaining three (3) members shall include, if possible: one (1) architect, one (1) architect or landscape architect or graphic designer and one (1) business or property owner from of the City. The members appointed by the Mayor shall serve for terms of three years, each such that the term of one member expires each year. Vacancies shall be filled by appointment by the Mayor and confirmation by the City Council for the unexpired term.
- (b) **Authorities and Responsibilities**
 - (i) **Purpose** - The Design Review Board shall review items for which building permits are sought and all proposals before the City Council, Board of Appeals, or Planning Board when such permits or proposals concern projects involving new construction or additions amounting to a twenty-five (25) percent or greater expansion of existing structures as set forth in the Zoning Ordinance in the Central Commercial (CC), Neighborhood Commercial (CN), General Commercial (CG), Restricted Industrial (IR), General Industrial (IG), and Waterfront District (WD) zones.
 - (ii) Additionally, the Design Review Board will review all projects which involve Industrial Development Financing Authority loans, and those projects involving special permits and zoning variances in the CC, CN, CG, TR, IG, and WD zones at the request of the Director of Municipal Inspections, Director of Planning and Development, Planning Board, Councilors, or Mayor. The Design Review Board shall review any new construction or rehabilitation projects as described in the Zoning Ordinance in any commercial, industrial, or (WD) zoning district.
 - (iii) The board shall also review all signs requiring a sign permit from the Director of Municipal Inspections. The recommendations of the Design Review Board will be made in order to help guide physical changes, so that the changes shall carry out the design objectives of the "Waterfront Revitalization Phase II Report:

(pp.4, 5, & 6), of the Harbor Management Authority as may be amended from time to time, the building treatment recommendations the “Downtown Revitalization Plan” (pp. 103-124), and the General Guidelines of the Beverly Sign Ordinance.

- (c) *Recommendation Procedure* - The Design Review Board shall, in cases where the Planning Board, Zoning Board of Appeals, or City Council are involved, formally notify such Multiple Member Body of a recommendation at least fourteen (14) days before a decision (vote or other action) is to be made. A representative from the Planning Staff may, in appropriate cases act, as spokesman for the Design Review Board and forward such recommendation to the appropriate board. In cases of building improvements or sign proposals under the Design Review Board's jurisdiction where no Planning Board or Zoning Board of Appeals action is necessary, a representative from the Planning Department shall formally notify the Director of Municipal Inspections of a recommendation before the applicant in question may obtain the necessary permits. In such cases, the Director of Municipal Inspections shall be notified of a Design Review Board recommendation within fourteen (14) days of building permit application and shall deny the building permit unless the Design Review Board approves.

Section 7.19 Disabilities, Commission on

- (a) *Composition* - There is hereby established a Commission on Disabilities to consist of seven (7) members, all of whom shall be residents of the City, and one such member shall be a city employee in the Department of Municipal Inspections.
- (b) *Authorities and Responsibilities* - The Commission on Disabilities shall act in an advisory and consulting capacity to the Mayor, City Council, City departments and other interested organizations, relative to any and all matters concerning physically and mentally handicapped individuals. Except as otherwise provided in the Charter or by ordinance, it shall have the powers, duties and responsibilities given to a Commission on Disabilities by General Laws, Chapter 40, Section 8J. (Ord. No. 431, 11-21-88)

Section 7.20 Economic and Community Development Council

- (a) *Composition* - There is hereby established an Economic and Community Development Council to consist of nine (9) members. The members shall be appointed as follows (Ord. No. 12, 2-9-2005):
 - (i) Ex Officio (to serve by virtue of their office): The Director of Public Services (or designee), the Director of Planning and Development (or designee), and the Director of Community Development (or designee) (Ord. No. 12, 2-9-2005).
 - (ii) Appointed by the Mayor and coterminous with the Mayor: a member at large with industrial experience, a member at large with financial investment

experience, two members from the community, and a representative of the Chamber of Commerce. (Ord. No. 12, 2-9-2005)

- (iii) The City Council shall elect, by a majority vote, a member from its own number. (Rev. Ords. 1973, § 2-106; Ord. No. 548, 12-6-93; Ord. No. 12, 2-9-2005)
- (b) ***Authorities and Responsibilities*** - The Economic and Community Development Council shall formulate, under the auspices of the Mayor, a community and economic development policy. The council shall provide for coordination and communication among all City Agencies and the Mayor's office in order to ensure a timely governmental response to development issues, opportunities and problems. (Rev. Ords. 1973, § 2-107; Ord. No. 12, 2-9-2005)
- (c) ***Staff*** - The Director of Planning and Development shall provide staff assistance to the Economic and Community Development Council, as requested by that body. (Rev. Ords. 1973, § 2-108; Ord. No. 12, 2-9-2005)

Section 7.21 Emergency Management Committee.

- (a) ***Establishment, Composition*** - There is hereby established an Emergency Management Committee comprised of six members. Such committee shall consist of the Director of Emergency Management, a representative of the Board of Health, a representative of the American Red Cross, a representative of the Beverly Hospital, a physician, and a registered nurse (with either medical or rescue experience).
- (b) ***Authorities and Responsibilities*** - The Emergency Management Committee the duty to oversee the City's emergency management services program, and to make continuous recommendations to the Mayor and the City Council. (Rev. Ords. 1973, § 2-163)

Section 7.22 Emergency Medical Services Commission

- (a) ***Composition*** - There shall be an Emergency Medical Services Commission to consist of eight members comprised of a representative from each of the following agencies/professions: the Fire Department, the Police Department, the Emergency Management Committee, the Board of Health, the American Red Cross, the Beverly Hospital, a physician and a registered nurse (with either medical or rescue experience). (Rev. Ords. 1973, § 2-161; Ord. No. 65, 2-5-90)
- (b) ***Authorities and Responsibilities*** - The Emergency Medical Services Commission has the duty to oversee the City's emergency medical services program, and to make continuous recommendations to the Mayor and the City Council. (Rev. Ords. 1973, § 2-163)

Section 7.23 Emergency Planning Committee.

(a) Establishment

- (i) There is hereby established an emergency planning committee. Such committee shall serve without pay and shall consist of the director of civil defense, such other department heads and such other persons as the authority appointing the director may deem necessary. Such member of the committee as the appointing authority shall designate shall serve as chairman of the committee. The committee shall be responsible for establishing and maintaining an emergency operations plan for the city.

(Rev. Ords. 1973, § 6-3; Ord. No. 259, 10-3-88)

(b) Emergency operations plan.

- (i) The emergency operations plan will include, but not be limited to: hazardous materials, hurricanes, floods, earthquakes, tornadoes and other potential incidents that threaten the city.
- (ii) The emergency operations plan will include, but not be limited to:
 - 1) A description of problems which are likely to occur, including locations and technical data related to those problems and locations;
 - 2) A description of manpower and equipment which will be required to deal with those problems, the locations, telephone numbers, etc., and a complete resources file on officials of other governmental, military and volunteer organizations;
 - 3) The designation, for each emergency individuality, of a command center and operations chief, whose authority will only be subject to the Mayor;
 - 4) Separate, written general operations for each department.

(Ord. No. 259, 10-3-88)

(c) Termination of chapter.

- (i) This chapter shall remain in force during the effective period of chapter 639 of the Acts of 1950 and any act in amendment or continuation thereof or substitution thereof. (Rev. Ords. 1973, § 6-5)
- (ii) Application of references to state law.
 - 1) All references to chapter 639 of the Acts of 1950, as now in force, shall be applicable to any act or acts in amendment or continuation of or substitution for chapter 639 of the Acts of 1950.

(Rev. Ords. 1973, § 6-6)

Section 7.24 Harbor Management Authority

- (a) **Composition** - There is hereby established in the City of Beverly a Harbor Management Authority which shall consist of eleven persons, nine of whom shall be appointed by the Mayor subject to confirmation by the City Council and two of whom shall be members of the City Council appointed by majority vote of said council.
- (b) **Authorities and Responsibilities** - The Authority is hereby authorized and empowered:
 - (i) To review and comment on all proposed waterfront development projects within the "Waterfront District" zoning district.
 - (ii) To implement a comprehensive master plan for Beverly harbor, to be called the "Beverly Harbor Management Plan ".
 - (iii) To work with the Harbormaster in enforcing the rules and regulations of the Beverly harbor.
 - (iv) To research, publicize and assist in the complementation of rules and regulations of the Department of Environmental Protection promulgated under the provisions of Chapter ninety-one of the General Laws and the licensing procedures of the Army Corps of Engineers.
 - (v) To provide for the orderly placement or arrangement of existing and future moorings in the harbor in cooperation with the Harbormaster.
 - (vi) To act as liaison between the City of Beverly and the Army Corps of Engineers, Division of Wetlands and Waterways of the Department of Environmental Protection, and the Massachusetts Office of Coastal Zone Management; to work directly with the Army Corps of Engineers in determining the future of the federal channel project.
 - (vii) To review and make recommendations on proposed zoning changes for land bordering the Beverly harbor
 - (viii) To meet at least once a month.
 - (ix) To make application for, receive, and administer grants or subsidized funding from any state and federal agency, and to utilize all accepted financial policies to raise revenues for the planning, construction, or financing of any project on the harbor or for the hiring of staff or office and support materials.
 - (x) To prepare an annual budget.
 - (xi) To expend without further appropriation within the limit of its budget moneys received from licensing or permit fees and leasing activities.

- (xii) To administer the operation of the Public Pier facility and all future public facilities on the Beverly harbor.
- (c) ***Geographic Jurisdiction*** – The geographic jurisdiction of the Harbor Management Authority is as follows:
 - (i) All areas of the tidal zones, not land areas, but only the tidal zones known as "Trust lands" by the Department of Environmental Protection, in that part of the City zoned "Waterfront District"; and all other tidal zones where moorings or piers exist;
 - (ii) The Federal Channel, within Beverly harbor, as determined by the Army Corps of Engineers;
 - (iii) All current and future mooring areas within the oceanic boundaries, shown on United States Geographic Survey maps, of the City of Beverly.
- (d) ***Review by City Council*** - The City Council may revoke any and all acts of the Authority by a two-thirds vote taken within thirty days of such act. The Authority shall transmit to the clerk of the City Council the minutes of each meeting within seven days.

(Chapter 221 of the Acts of 1987)

Section 7.25 Hazardous Waste Oversight Committee

- (a) Composition
 - (i) There shall be a Hazardous Waste Oversight Committee to consist of three (3) members. The membership shall include one (1) chemist, one (1) attorney, and one (1) member of the general public, knowledgeable in hazardous substances.
 - (ii) The Mayor shall designate the Fire Chief or the public health officer to be the municipal coordinator as set forth in MGL Chapter 111F, Hazardous Substances Disclosure. (Rev. Ords. 1973, § 2-164)
- (b) Authorities and Responsibilities
 - (i) The Hazardous Waste Oversight Committee shall act in an advisory and technical consulting capacity to the Mayor, City Council, Board of Health, fire department and other interested City departments, boards, committees or commissions and to the citizens of the City, relative to any and all matters concerning hazardous or toxic substances and the use or disposal thereof, and the ultimate effect such chemical constituents shall have upon the environment of the City.
 - (ii) The committee shall address itself to the following matters dealing with hazardous or toxic substances:

- 1) Implementation of the state Right to Know Law, MGL Chapter 111F.
- 2) Employer MSDS reporting.
- 3) Answer citizen "right to know" inquiries.
- 4) Establish committee hazardous waste and toxic substances policy.
- 5) Oversee work performed by environmental consultant retained to implement Chapter 111F.
- 6) Review monthly bill for services rendered.
- 7) General supervision and guidance provided for environmental consultant.
- 8) Establish monthly mechanism of reviewing citizen inquiries.
- 9) Technical review of specific environmental issues.
- 10) Review anticipated changes of Chapter 111F.
- 11) Oversee with technical support and guidance all issues dealing with hazardous waste and toxic substances within the City.
- 12) Work as the technical oversight committee with the board of health on issues dealing with hazardous waste and toxic substances.
- 13) Be a resource committee for the City to review and make advisory recommendations to the Mayor and City Council relative to hazardous waste incidents within the community.
- 14) Be a technical resource committee for the fire department when it is involved with hazardous waste or toxic substance incidents.

(Rev. Ords. 1973, § 2-166)

Section 7.26 Health, Board of

- (a) **Composition** - There shall be a Board of Health, consisting of three (3) persons. One (1) member of the Board of Health shall be a physician. (Rev. Ords. 1973, § 10-1)

Authorities and Responsibilities - Except as otherwise provided in the Charter, or by ordinance, the Board of Health shall have and may exercise all of the powers, duties and responsibilities given to local health authorities by General Laws, Chapter 111 and by all applicable provisions of the Code of Massachusetts. It may make all regulations which it may deem necessary in regard to the removal and abatement of filth, rubbish, nuisances and cause of disease.

- (b) Regulations. (Rev. Ords. 1973, § 10-2)

(c)

(Rev. Ords. 1973, § 10-2)

(d) Records.

- (i) A full record shall be kept of all votes and acts of the board of health, which record may be examined at any time by the Mayor or by any committee of the City Council.

(Rev. Ords. 1973, § 10-3)

- (ii) State law reference-Annual report required, M.G.L. c. 111, § 28.

State law reference-City and town boards of health, M.G.L. c. 111, § 26 et seq.

Section 7.27 Historic Districts Commission

(a) Establishment; powers and duties; composition.

- (i) In accordance with the Historic Districts Act, M.G.L. chapter 40C as amended, there is hereby established the Beverly Historic District Commission, which shall have all powers and duties of an historic district commission under the General Laws.
- (ii) All members and alternate members of the commission shall be appointed by the Mayor, subject to confirmation by the City Council. The commission shall consist of not less than five (5) nor more than seven (7) members and up to three (3) alternate members including one (1) member, where possible, from two (2) nominees submitted by the Beverly Historical Society; one (1) member, where possible, from two (2) nominees, one (1) of whom shall be submitted by the Massachusetts Chapter of the American Institute of Architects and one (1) of whom shall be submitted by the Boston Society of Landscape Architects; and one (1) member, where possible, from two (2) nominees submitted by the Greater Salem Board of Realtors. The commission shall include one (1) or more residents of or owners of property in an historic district to be administered by the commission.
- (iii) When the commission is first established, two (2) members shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years, and three (3) shall be appointed for a term of three (3) years and their successors shall be appointed in like manner for terms of three (3) years. When the commission is first established, one (1) alternate member shall be appointed in like manner for a term of one (1) year, one (1) alternate member shall be appointed for a term of two (2) years and one (1) alternate member for a term of three (3) years and their successors shall be appointed in like manner for terms of three (3) years. All vacancies shall be filled in like manner for the unexpired terms.

- (iv) All members of the commission shall serve without compensation.
- (v) The commission shall elect annually a chairman and vice chairman from its own number and a secretary from within or without its number.

(Rev. Ords. 1973, § 30-3)

(b) Meetings; quorum; time for action.

- (i) Meetings of the historic district commission shall be held at the call of the chairman and shall be called at the request of two (2) members of the commission and in such other manner as the commission shall determine in its rules. A majority of the members of the commission shall constitute a quorum. When taking action under the provisions of the fourth paragraph of section 11 of the Historic District Act, the commission shall make its determination within sixty (60) days after the filing of the application for a certificate of appropriateness, or such further time as the applicant may in writing allow.

(Rev. Ords. 1973, § 30-5)

- (c) ***Authorities and Responsibilities*** - Except as otherwise provided by the Charter or by ordinance, the Historic Districts Commission shall have and may exercise all powers and duties of an historic district commission as provided in General Laws, Chapter 40C.
- (d) ***Adoption of rules and regulations; employment of technical personnel.*** The Historic Districts Commission shall adopt rules and regulations for the conduct of its business not inconsistent with the provision of the Historic Districts Act, MGL Chapter 40C, as amended. The Historic Districts Commission may, subject to appropriation, and with the consent of the Mayor employ clerical and technical assistants and consultants and incur other expenses appropriate to carrying on its work, and may accept money gifts and expend the same for such purposes.
- (e) Exclusions from commission review.
 - (i) The following categories of buildings or structures or exterior architectural features may be constructed or altered within an historic district without review by the commission:
 - 1) Temporary structures or signs, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the commission may reasonably specify.
 - 2) Terraces, walks, driveways, sidewalks and similar structures, or any one (1) or more of them, provided that any such structure is substantially at grade level. This is not to be construed as to include parking lots.

- 3) Storm doors and windows, screens, window air conditioners, lighting fixtures, antennas, and similar appurtenances, or any one (1) or more of them.
- 4) Colors for use on buildings and roofs.
- 5) Signs of not more than one (1) square foot in area in connection with use of a residence for a customary home occupation or for professional purposes, provided only one (1) such sign is displayed in connection with each residence and if illuminated is illuminated only indirectly; and one (1) sign in connection with the nonresidential use of each building or structure which is not more than twelve (12) square feet in area, consists of letters painted on wood without symbol or trademark and if illuminated is illuminated only indirectly; or either of them.
- 6) The reconstruction, substantially similar in exterior design, of a building, structure or exterior architectural feature damaged or destroyed by fire, storm or other disaster, provided such reconstruction is begun within one (1) year thereafter and carried forward with due diligence.

(Rev. Ords. 1973, §30-7

Section 7.28 Industrial Development Financing Authority

- (a) **Composition** - There shall be an Industrial Development Finance Authority consisting of five members as provided in MGL Chapter 40D. The members of the Industrial Development Finance Authority shall be appointed by the Mayor for terms of three years each. At least one director shall be experienced in financial matters, one in real estate matters, and one in municipal government.
- (b) **Authorities and Responsibilities** - The Industrial Development Finance Authority is responsible for coordinating and approving industrial development projects for financing by means of tax-exempt industrial development finance bonds. The Industrial Development Finance Authority acts pursuant to the provisions of General Laws, Chapter 40D. The City, acting by and through its authority, and the Mayor, is authorized and empowered to borrow money in furtherance of the purposes of General Laws, Chapter 40D, and to evidence the same by the issuance of bonds.

Section 7.29 Library Trustees, Board of

State law reference-Libraries, M.G.L. c. 78, § 7 et seq.

- (a) **Composition**- The custody, management and control of the public library and reading rooms, and all property of the city relating thereto, subject to the provisions of the Charter relating to trust funds, shall be vested in a board of trustees consisting of nine (9) persons, residents of the city, who shall serve without compensation.

Appointment, terms.

- (b) The Mayor shall appoint annually in January, subject to the confirmation of the City Council, three (3) trustees whose terms of office shall be for three (3) years, but who shall, however, continue to serve thereafter until their successors are appointed and confirmed.

(Rev. Ords. 1973, § 12-2)

- (c) Chairman, secretary.

- (i) The board of trustees shall organize annually immediately after the qualification of the trustees newly appointed by the choice of a chairman and secretary from its own number, and shall from time to time prescribe regulations for the government of the library.

(Rev. Ords. 1973, § 12-3)

- (d) Authorities and Responsibilities

- (i) *Appropriations and donations.* - All money appropriated by the City Council for the support and maintenance of the library, and all money or property that the City or library may receive by donation from any source or by devise or bequest on behalf of the library shall be expended under the direction of the Board of Library Trustees for its support and maintenance, in accordance with the conditions of each donation, devise or bequest accepted by the City.
 - (ii) *Report to City Council* - The Board of Library Trustees shall, annually, make a written report to the Mayor, of its doings for the preceding year, and shall include therein a statement of all of the property of the City in its care and custody, and of all devises, bequests and donations which have been made to or are being held by the City in behalf of the library, together with such recommendations as may be deemed proper.

(Rev. Ords. 1973, § 12-1)

State law reference-Library board of trustees, M.G.L. c. 78, §§ 10 - 13.

- (e) Vacations.

- (i) Notwithstanding the provisions of any other ordinance to the contrary, the board of trustees is empowered to determine the vacation period of its employees.

(Rev. Ords. 1973, § 12-6)

Section 7.30 Licensing Board

- (a) **Composition** - The Mayor shall appoint three persons to serve as a licensing authority for the City pursuant to the provisions of General Laws, Chapter 138, Section 4 Chapter 140 Section 1 The members of the Licensing Board shall be persons who have been resident in the City for at least two years prior to the date of their appointment, and who are not engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of the said political parties. The term of office of members shall be three years.
- (b) **Authorities and Responsibilities** - The Licensing Board may grant licenses relating to alcoholic beverages under Chapter 138 of the General Laws and those licenses under Chapter 140 of the General Laws which are not, by the provisions of said chapter, placed within the jurisdiction of another municipal officer or agency, and shall have all the powers and duties of a licensing authority under said Chapters. The Licensing Board is an advisory and regulatory committee of the City.

Section 7.31 Open Space and Recreation Committee

- (a) **Establishment; Composition; Term of Office, Vacancies.** - There is hereby established the Beverly Open Space and Recreation Committee consisting of twelve members, six of whom shall, be appointed by the Mayor and six of whom shall be appointed by the City Council. Of the six members appointed by the Mayor, two will be at-large, one shall be a member of the Conservation Commission, one shall be a member of the Planning Board, one shall be a member of the Parks and Recreation Commission, and one shall be a member of the Beverly Harbor Authority. If a member of a particular board is not available, the Mayor shall appoint a person with similar expertise. The Mayor shall assign an employee of the Planning Department to the committee as resource person and liaison to city government. Of the six members appointed by the City Council, one shall reside in Ward I, one shall reside in Ward II, one shall reside in Ward III, one shall reside in Ward IV, one shall reside in Ward V, and one shall reside in Ward VI, and shall be nominated by their respective ward councilor. All members shall be residents of the city and shall not be in the employ of the city of Beverly. Each of the council appointees shall have a demonstrated interest in preserving open space/recreation. All appointments shall be for three year terms. All appointments shall be subject to review by the City Council. Vacancies shall be filled by the appropriate appointing authority for the remainder of the unexpired term. The appointing authority may remove a member for failure to fulfill the duties and responsibilities of the office. The committee shall organize, annually, by electing a chairperson, vice-chairperson and recording secretary from its membership. (Ord. No. 41, 4-21-00) (Ord. No. 41, 4-21-99)
- (b) **Authorities and Responsibilities** –

- (i) The Open Space and Recreation Committee shall act as an advisory committee to the Mayor, City Council, city departments, private organizations and the general public on matters concerning open space and recreation and shall have no budgetary powers.
- (ii) A majority of the appointed members presently named and serving on the committee shall constitute a quorum, and no meeting shall be continued without a quorum present. A majority of the members presently named and serving on the committee shall be necessary for the approval or disapproval of any matter.
- (iii) Upon its formation a mission statement shall be formulated and reviewed from time to time as the committee shall deem proper.
- (iv) The committee shall adopt rules and regulations for keeping accurate minutes and the conduct of its proceedings.
- (v) The committee shall appear before the City Council in the months of March and October and present a semi-annual report.
- (vi) Said committee's functions shall include, but are not limited to the following:
 - 1) Prepare, and from time to time, update a five year open and recreation plan for current and future use.
 - 2) Prepare a continuing inventory of open space in the city.
 - 3) Research and recommend financing alternatives for acquisition and preservation of open space and the development recreational facilities, including the impact on the City budget.
 - 4) Set criteria for prioritizing open space acquisition, recreational facility development, and redevelopment for current future use.
 - 5) Explore creative strategies to preserve open space.
 - 6) Recommend any changes in state and local laws to facilitate acquisition and preservation of open space.
 - 7) The Open Space and Recreation Committee will structure ad-hoc committees, as needed, to address specific objectives of the committee, and shall recruit, as needed, members to serve in a non-voting advisory capacity.

(Ord. No. 41, 4-21-99)

- (c) **Composition** - The Parking and Traffic Commission shall be made up of representatives of the following: police department, fire department, planning department, Beverly Chamber of Commerce, a citizen appointed by the Mayor and two citizens appointed by the City Council. The Mayoral and Council

appointees shall include, if possible, a traffic engineer, transportation engineer/planner, or parking and traffic consultant. The terms of all members shall be for three years, so arranged that the representatives of the police and fire departments shall expire in one year, the representatives of the planning department and the Beverly Chamber of Commerce shall expire in another year, and the representative of the Mayor's office and the citizens appointed by the City Council shall expire in a third year. Vacancies shall be filled by the appropriate entity for the balance of the then unexpired term.

(d) Authorities and Responsibilities

- (i) The Parking and Traffic Commission is established to control and regulate the present municipal lots, both owned and rented by the City, (which control and regulation is subject to the approval of the Mayor and City Council), and to monitor and make recommendations regarding traffic flow and patterns within the City of Beverly.
- (ii) The Parking and Traffic Commission shall have the power to direct funds from parking meter receipts into directional signage and parking lot repairs, maintenance and beautification, subject to the recommendation of the Mayor and the approval of the City Council.
- (iii) The Parking and Traffic Commission shall study and make surveys and recommendations to the Mayor, City Council, and municipal boards and commissions pertaining to the development of new parking areas, the impact of new development on traffic patterns, and rules and regulations pertaining to parking and traffic including loading zones, etc.

(Ord. No. 44, 3-10-2005; Ord No. 224, 11-23-2007)

Section 7.32 Parking and Traffic Commission

Section 7.33 Parks and Recreation Commission

(a) Established; appointment of members; compensation.

- (i) There is hereby established a Parks and Recreation Commission. This commission shall consist of nine (9) members, serving without compensation, who shall be appointed by the Mayor, subject to confirmation by the City Council.

(Rev. Ords. 1973, § 17-1; Ord. No. 91, 3-25-98)

(b) Composition; terms; vacancies.

- (i) The Parks and Recreation Commission shall consist of four (4) members who have a background in recreation, two (2) members who have a background in maintenance of parks and playgrounds, and three (3) members at large. The

members first appointed shall serve staggered terms and their successors shall be appointed for a term of four (4) years each.

(Rev. Ords. 1973, §17-2; Ord. No. 91, 3-25-98)

(c) Organization; rules and regulations for conduct of public parks and recreation.

- (i) Immediately after their appointment, the members of the parks and recreation commission shall meet and organize by electing from their membership one (1) chairman and such other officers as may be necessary. The commission shall have the power to adopt by-laws, rules and regulations for the proper conduct of public recreation, parks and playgrounds subject to such changes as the Mayor and City Council may from time to time adopt.

(Rev. Ords. 1973, § 17-3)

(d) Powers and duties.

- (i) The parks and recreation commission shall provide, conduct and supervise activities at public playgrounds, playfields, indoor recreation centers and recreation areas and facilities excepting Hurd Stadium, which shall be the responsibility of the school department. It may conduct such activities on property under its own control, on public properties with the consent of the authorities thereof, and on private properties with the consent of the owners. It shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.
- (ii) The parks and recreation commission shall have charge of capital improvement programs of all parks, the common, beaches and playgrounds, including Cooney Field but excepting Hurd Stadium, which shall be the responsibility of the school department.
- (iii) The parks and recreation commission shall have the care, control and charge of all parks, playgrounds and public domain, including the common and soldiers' monuments lot, excepting Hurd Stadium, which shall be the responsibility of the school department. The commission may furthermore, subject to appropriations and orders first made by the City Council, take land within the city limits in fee or otherwise by gift, purchase, or by right of eminent domain, or by lease, and maintain the same as a public playground. All proceedings in reference to such taking of land for parks or playgrounds, and with reference to damages connected with the same, shall be in accordance with the provisions of law.

(e) Administrator and other personnel.

- (i) The parks and recreation commission shall have the power to appoint or designate someone to act as administrator of parks and recreation who shall be trained and properly qualified for the work, and such other personnel as the

commission deems proper The administrator shall be a resident or shall become a resident within one (1) year.

(Rev. Ords. 1973, § 17-5)

(f) Submission of annual budget.

- (i) The parks and recreation commission shall annually submit a budget to the Mayor and City Council for their approval.

(Rev. Ords. 1973, § 17-6)

(g) Reports

- (i) The parks and recreation commission shall make an annual report on or before the first day of February to the Mayor and the City Council, and shall make such other reports as from time to time may be requested.

(Rev. Ords. 1973, § 17-7)

Section 7.34 Planning Board

- (a) **Composition** - There shall be a Planning Board to consist of nine (9) members.
(Rev. Ords. 1973, § 21-1), (Rev. Ords. 1973, § 21-2)

(b) Authorities and Responsibilities

- (i) *In General* - The duties of the Planning Board shall be such as are stated in MGL Chapter 41, Sections 70 to 72, and in Sections 81A through 81GG. The Planning Board shall also further consider and advise upon municipal improvements either at the request of other officials of the City or upon its own initiative. The board shall meet at regular intervals. It may also hold public meetings. It shall at times have access to all public documents or information in the possession of any City official or department. It shall examine the plans for the exterior of any public building, monument or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may make such recommendations thereof as it may deem needful. It may make investigations and studies relative to new street and park developments. It may provide for public lectures and other educational work in connection with its recommendations. The board may incur expenses necessary to carry on its work within the amount of its annual appropriations (Rev. Ords. 1973, § 21-3)
- (ii) *Annual Reports* - The Planning Board shall make a report to the City annually, giving information regarding the conditions of the City and any plans or proposals for the development of the City and estimates of the cost thereof. Such report shall be sent to the Mayor not later than January fifteenth in each year. (Rev. Ords. 1973, § 21-5)

(iii) *Reports of Planning Board Required on Certain Subjects* - All plans for laying out, extending, discontinuing or changing the limits of any way, street, public park or square, every purchase of land for the site of any public building, and all plans for the location, erection or alteration of public buildings, shall be submitted to the Planning Board for its opinion at least two (2) weeks in advance of action by the Mayor or the City Council. (Rev. Ords. 1973, § 21-6)

(iv) *Subdivisions of Land* - No subdivision shall be accepted by the Planning Board until after approval of the drainage system by the Board of Health. (Rev. Ords. 1973, § 21-7)

(c) Appointment, terms, etc.

(i) The Mayor shall appoint, subject to confirmation by the City Council, a planning board to consist of nine (9) members. Annually, the Mayor shall appoint, as the terms of the present members expire, subject to confirmation by the City Council, three (3) members of the planning board who shall hold office for the term of three (3) years from the time of their appointment.

(Rev. Ords. 1973, § 21-1)

State law reference-Planning board, M.G.L. c. 41, §§ 81A-81J.

(d) Vacancies

(i) Vacancies occurring in the planning board shall be filled by appointment by the Mayor for the unexpired term, subject to confirmation by the City Council.

(Rev. Ords. 1973, § 21-2)

(e) Duties, meetings.

(i) The duties of the planning board shall be such as are stated in chapter 41, sections 70 to 72 of the General Laws, and further to consider and advise upon municipal improvements either at the request of other officials of the city or upon its own initiative. The board shall meet at regular intervals. It may also hold public meetings. It shall at times have access to all public documents or information in the possession of any city official or department. It shall examine the plans for the exterior of any public building, monument or similar feature, and for the development and treatment of the grounds about the same before the adoption thereof, and may make such recommendations thereof as it may deem needful. It may make investigations and studies relative to new street and park developments. It may provide for public lectures and other educational work in connection with its recommendations. The board may incur expenses necessary to the carrying on of its work within the amount of its annual appropriations. (Rev. Ords. 1973, § 21-3)

(f) Service without compensation.

- (i) The members of the planning board shall serve without compensation.

(Rev. Ords. 1973, § 21-4)

(g) Report.

- (i) The planning board shall make a report to the city annually, giving information regarding the conditions of the city and any plans or proposals for the development of the city and estimates of the cost thereof. Such report shall be sent to the Mayor not later than January fifteenth in each year, and a copy thereof shall be filed with the division of planning of the department of commerce. (Rev. Ords. 1973, § 21-5)

State law reference-Similar provisions, M.G.L. c. 41, § 71.

(h) Changes to be submitted to board.

- (i) All plans for laying out, extending, discontinuing or changing the limits of any way, street, public park or square, and every purchase of land for the site of any public building, and all plans for the location, erection or alteration of public buildings, shall be submitted to the planning board for its opinion at least two (2) weeks in advance of action by the Mayor or the City Council.

(Rev. Ords. 1973, § 21-6)

(i) Requirement for acceptance of subdivisions.

- (i) No subdivision shall be accepted by the planning board until after approval of the drainage system by the Director of Engineering and the Board of Health.

(Rev. Ords. 1973, § 21-7)

Cross reference-Board of health, § 9-26 et seq.

(j) Earth removal.

- (i) Section 29-14 of the zoning ordinance shall apply to all earth removal activities in the city, except those undertaken on public land and except as otherwise limited herein. No permit from the board of appeal shall be necessary for the removal of any soil, sod, loam, sand, gravel, or other mineral matter which is to be removed in compliance with the requirements of a residential, commercial or industrial subdivision plan approved by the planning board. Excavation of soils are subject to the "Sediment Control and Materials Management Ordinance" as well as the "Drainage Alteration Permit"

(k) Width and grade of streets

- (i) No street or way shall be laid out as a public way by the City Council of a less width than forty (40) feet nor unless the same is in condition for public travel at a grade established by the director of public services; provided, however, that any street or way in actual use on September 9, 1908, may be laid out as a public way by a vote of two-thirds of all the members of the City Council.

(Rev. Ords. 1973, § 27-14)

- (l) Plans to accompany petitions to lay out ways.

- (i) Every petition for the laying out of any way shall be accompanied by a suitable plan thereof showing the location of the bound stones.

(Rev. Ords. 1973, § 27-15)

- (m) Conditions prerequisite to acceptance of streets.

- (i) No street shall be accepted unless the following conditions are complied with:

- 1) Sewer, water, gas and surface drainage shall be installed in the proposed street and the same then shall be put in an acceptable condition before the acceptance of the proposed street by the city. If in the opinion of the Director of Public Services it is not practicable to install sewer or gas within a reasonable time then the restriction as to sewer or gas may be waived by the Director of Public Services.
 - 2) The developer or contractor shall construct five-foot sidewalks of hot top material, and the sidewalks shall be six (6) inches above the gutter line.
 - 3) The contractor or developer shall construct the necessary surface drainage to take care of surface water under the direction of the Director of Public Services.
 - 4) Stone bounds shall be set in accordance with the rules and regulations of subdivision control.

(Rev. Ords. 1973, § 27-16)

State law reference-Naming of streets before acceptance, M.G.L. c. 85, §§ 3A, 3B.

(Rev. Ords. 1973, § 21-7A)

Section 7.35 Registrars of Voters, Board of

- (a) **Composition** - There shall be a Board of Registrars of Voters consisting of the City Clerk and three other persons. (See MGL Chapter 51).
- (i) Members of the Board of Registrars of Voters shall be appointed by the Mayor for terms of three years each, so that they represent the two leading political

parties, and in no case shall an appointment be made as to cause the Board of Registrars of Voters to have more than two members, including the City Clerk, of the same political party. Every such appointment shall be made from a list to be submitted by the City committee of the political party from the members of which the position is to be filled, containing the names of three enrolled members of such party resident in the City, selected by a majority vote at a duly called meeting of such committee.

- (b) ***Authorities and Responsibilities*** - The Board of Registrars of Voters hold voter registration sessions, certify the signatures on nomination papers and petitions, hold hearings and decide disputes over signatures on nomination papers, prepare an annual list of registered voters, and perform all other duties as cited in General Laws, Chapter 51.

Section 7.36 Solid Waste Management Committee

- (a) ***Appointment and Term*** - There shall be a Solid Waste Management Committee consisting of nine (9) members, each appointed for a term of three (3) years, or until their successors are qualified. The membership shall include persons interested in fostering decreased solid waste and increased solid waste recycling in the City of Beverly. Ex Officio, non-voting members shall include a representative of the city department responsible for solid waste disposal and the Health Director.

(Rev. Ords. 1973, § 2-164; Ord. No. 144, 6-16-98; Ord. No. 41, 4-4-2002; Ord. No. 83, 5-4-2006)

- (b) **Authorities and Responsibilities**
 - (i) The Solid Waste Management Committee shall act in an advisory and consulting capacity to the Mayor, City Council, and other interested city departments, boards, committees or commissions and to the citizens of the city, relative to any and all matters concerning solid waste management except those matters concerning hazardous wastes that are made the responsibility of the Hazardous Waste Oversight Committee;
 - (ii) The Solid Waste Management committee shall identify ways of increasing recycling and waste reduction; and
 - (iii) The Solid Waste Management Committee shall serve as a resource for the general education of the public with respect to matters concerning solid waste management, solid waste reduction, and recycling.
 - (iv) The Solid Waste Management Committee shall address itself to the following matters dealing with solid waste management:

- 1) Assisting city officials in establishing a solid waste management policy that aims to decrease waste disposal, particularly by enforcing Massachusetts waste bans, and to increase recycling.
- 2) Encouraging increased recycling and decreased waste disposal by Beverly citizens, schools and businesses by utilizing available funds as needed for educational materials.
- 3) Encouraging composting using household composters and the city compost site.
- 4) Establishing a mechanism for periodic review of citizen inquiries.
- 5) Reviewing monthly recycling and waste tonnage in order to assess the effectiveness of education programs.
- 6) Requesting updates on solid waste management at schools and other municipal public buildings on a regular basis.
- 7) Assisting in writing grants for funds for education, and the purchasing of recycling bins and composters.

(Ord. No. 144, 6-16-98; Ord. No. 41, 4-4-2002)

- (c) ***Meetings; Chairperson*** - The Committee shall meet in the month of January of each year to elect a Chairperson who will preside at the meetings of the Committee. The Committee shall meet no less often than bi-monthly. (Ord. No. 144, 6-16-98; Ord. No. 41, 4-4-2002)

Section 7.37 Storm Water Management Advisory Committee

- (a) This Ordinance hereby establishes the Beverly Stormwater Management Advisory Committee consisting of eight members made up of representatives from the Engineering Department, Public Services Department, Building Department, Conservation Commission, Planning Department, Board of Health, Parks & Recreation Department and a citizen representative. The Mayor shall appoint such members to the Committee. The Stormwater Management Advisory Committee shall advise the Director of Engineering in establishing and evaluating rules and regulations to further clarify and implement this Ordinance, as well as coordinating activities and monitoring progress of the City's Stormwater Management Plan. Additionally, a Stormwater Coordinator, as appointed by the Mayor, shall assist in coordinating the Committee's activities and the City's stormwater program.

(Ord. No. 86, 5-12-2008)

Section 7.38 Trust Funds, Commissioners of

- (a) **Composition** - There shall be a Board of Commissioners of Trust Funds consisting of three members.
- (b) **Authorities and Responsibilities** - The Board of Commissioners Trust Funds shall, so far as is consistent with the purposes of any trust, manage and control all trust funds which are the property of the City and may from time to time invest and reinvest the same and shall distribute the income from such trusts in accordance with the terms of each such trust. Except as may otherwise be provided by City ordinance, the board of Commissioners of Trust Funds shall have all of the other powers, duties and responsibilities imposed upon trust fund commissioners by General Laws and otherwise.
- (c) It is the policy of the City of Beverly that trust fund management be consistent with the legal requirements, including City ordinances, and spirit of each respective trust document and, to the maximum extent possible, realizes the purposes the trusts were intended to achieve.
- (d) Trust fund management will be conducted with the primary objectives of:
 - (i) Conformance to each trust document's specified purpose, legal requirements, and administrative guidelines;
 - (ii) Adherence to the City of Beverly General Ordinance providing for the Administration of City trusts;
 - (iii) Preservation of capital;
 - (iv) Maintenance of security of trust funds and investments.

Section 7.39 Veterans' Memorial Advisory Committee

- (a) **Composition** - There is hereby established a Veterans' Memorial Advisory Committee which shall consist of seven members, at least a majority of which shall at all times be qualified veterans. The terms of members shall be for three years, so arranged that as nearly an equal a number as is possible shall expire each year. The Director of Veterans' Services shall serve, by virtue of office, as a member of the committee, but with no power to vote.
- (b) **Authorities and Responsibilities** - The Veterans' Memorial Advisory Committee shall provide continuing oversight of the condition of each of the several veterans memorials of the City and shall from time to time, not less frequently than annually, file a report with recommendations as to any needed repairs, upkeep, maintenance and improvements to such memorials as, in its judgment, may be necessary or advisable. Whenever the committee believes an expenditure of funds in excess of ordinary maintenance is required to be made, it shall submit its report containing such recommendation in time to be considered as part of the capital improvement plan or the operating budget the Mayor is required to annually prepare and submit as may be appropriate

Section 7.40 Youth Activities Commission

- (a) **Composition** - There is hereby established a youth activities commission to consist of seven (7) members, one (1) of whom shall be a member of the recreation commission. (Rev. Ords. 1973, § 2-81)
- (b) **Authorities and Responsibilities**
 - (i) The youth activities commission shall establish and carry on, and encourage others to establish and carry on, programs and activities designed to aid and improve the welfare of youth in the City. For such purposes, the commission may conduct its activities on property under its control, on other public property under the control of other officers or boards, with the consent of such officers or boards, or on private property, with the consent of the owners; providing, however, that the Mayor and City Council approve the use of any such property. The commission shall submit a quarterly progress report to the Mayor and City Council.
 - (ii) The youth activities commission shall keep a record of its doings and at the close of each municipal year shall make a report thereof to the Mayor and City Council of its accounts and proceedings, and of the condition of any buildings under its control, and an account of its receipts for the calendar year. All receipts collected by the commission shall be paid to the City Treasurer weekly, to be deposited in the general fund. The commission shall cooperate and coordinate its functions with any federal, state, municipal and private agencies concerned with any of the foregoing. (Rev. Ords. 1973, § 2-82)
 - (iii) *Director and other employees*- The youth activities commission shall, subject to the consent of the Mayor, appoint such full-time and part-time assistants as the commission, with the consent of the Mayor, determines is in the best interest of the work of the youth activities commission, but such other employees shall only be paid by the commission from its own earned receipts accounts unless otherwise specifically provided for at any other times.

Section 7.41 Beautification Committee. Need Provisions

Section 7.42 Comprehensive Rezoning Committee. See Website

Section 7.43 Financial Resources Committee. See Website

Section 7.44 Homecoming Committee. See Website

Section 7.45 Ordinance Review Committee. See Website See Standing Committee Public Services

Section 7.46 Trash and Recycling Committee. See Website

Section 7.47 Wenham Lake Advisory Committee. See Website

Section 7.48 Beverly Charter Commission. See Charter 9-6(l)

ARTICLE VIII. CITY OFFICERS

Section 8.01 City Officers Designation

- (a) Designation
 - (i) The following positions shall be designated “City Officers” and shall be appointed by the mayorMayor (Except for the City Clerk who is appointed by the Council) subject to all provisions of the City Charter relating to City Officers:
- (b) City Officers Limit on Monetary Compensation
 - (i) City Officers will not be entitled to monetary compensation for any hours worked in excess of his/her normal work week.

(Ord. No. 132, 7-16-01; Ord. No. 289, 12-29-2005)

Section 8.02 Airport Manager

- (a) ***Establishment*** - There shall be an Airport Manager.
- (b) ***Mode of Appointment, Term of Office*** - The Airport Manager, a person qualified by general management experience and aeronautical knowledge to serve as Airport Manager shall be appointed by the Mayor for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Airport Manager, under the direction of the Airport Commission, shall be responsible for the proper maintenance and operation of the Beverly Municipal Airport and of all facilities relating to the airport.

Section 8.03 Animals Control Officer

- (a) ***Establishment*** - There shall be an Animal Inspector as provided in General Laws, Chapter 129, Sections 15 to 25.
- (b) ***Mode of Appointment, Term of Office*** - The Mayor shall appoint one or more Animal Control Officers. Such nominee shall not be appointed until approved by the Director of Animal Health of the Commonwealth as required by General Laws, Chapter 129, Section. 15)
- (c) ***Authorities and Responsibilities*** - Each Animal Inspector shall comply with and enforce all orders and regulations directed to him by the Director of Animal Health of the Commonwealth. (GL c. 129, s. 18) and shall also serve as dog officer as provided in MGL Chapter 140, Section 151 *et seq.*

- (i) Animal Inspector shall make regular and thorough inspections of all domestic animals and shall be responsible for the enforcement of all laws relating to the care, custody and control of dogs in the City. (General Laws, Chapter 140, Sections 136A-174). The Animal Inspector shall attend to all complaints or other matters pertaining to dogs in the City found within the City limits. Such inspections shall be made at such times and in such manner as the Animal Control Officer shall from time to time order. Animal Control Officer shall also from time to time make inspections of all other domestic animals within the limits of the City if they know, or have reason to suspect, that such animals are affected with or have been exposed to any contagious disease, and shall immediately inspect all domestic animals and any place where any such animals are kept whenever directed so to do by the Director of Animal Health of the Commonwealth. (GL c. 129, s. 19)

Section 8.04 Assessor, Chief

- (a) ***Establishment*** - There shall be a Chief Assessor.
- (b) ***Mode of Appointment, Term of Office*** - The Chief Assessor shall be appointed by the Mayor, subject to the review of the City Council as provided in Section 2-10 of the Charter, to serve for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Chief Assessor shall be Chairman of the Board of Assessors and shall be responsible for its the day-to-day operation. The Chief Assessor shall periodically appraise real and personal property within the city, perform field measurements and inspections of residential and commercial buildings, including new buildings, additions, major alterations, demolition and partial construction, and inspect land affected by map changes, deed transfers, subdivision approvals and modifications; using appropriate appraisal techniques to prepare estimates of market values of property. The Chief Assessor shall be responsible for maintaining all office records of properties. The Chief Assessor shall be responsible for the proper administration of the Office of Assessing and shall assure that all statutory and assigned duties and responsibilities are properly exercised and carried out.

Section 8.05 Chief of Staff (to the Mayor)

- (a) ***Establishment*** – There shall be a Chief of Staff to the Mayor.
- (b) ***Mode of Appointment, Term of Office*** – The Chief of Staff shall be appointed by and responsible only to the Mayor. The Chief of Staff shall serve at the pleasure of the Mayor.
- (c) ***Authorities and Responsibilities*** - The Chief of Staff shall have the following duties:
 - (i) Represent the Mayor as liaison with the City Council;

- (ii) Represent the Mayor, acting only on his direction, at meetings of regional agencies, state and federal agencies, community groups, business interests and local trade and fraternal organizations, for purposes of gathering information and/or articulating the Mayor's point of view;
- (iii) Organize and summarize information and prepare it for the Mayor's review and action;
- (iv) Meet with department heads regarding day-to-day business, expediting administrative interaction between the Mayor's office and City departments;
- (v) Serve as a liaison officer between the City and its residents;
- (vi) Be familiar with all aspects of the City government, and become familiar with the functions of the activities of the various offices and employees of the City;
- (vii) Be familiar with the various services rendered by the City to its residents, so that he can inform citizens of the extent of these services and of the schedule for their performance;
- (viii) Complete specified research assignments with close contact to the Massachusetts Municipal Association and the National League of Cities and Towns, comparing the City's problems with problems and solutions of other communities in the state and nation;
- (ix) Meet with the Mayor, boards and commissions in normal business meetings to explain proposals or identify means to expedite action;
- (x) Work with the Clerk of Committees preparing orders and backup material for executive department initiatives and with committees to expedite support for committee deliberations;
- (xi) Perform other services so as to support the Mayor's role as chief executive of the City. (Rev. Ords. 1973, § 2-141)

Section 8.06 City Accountant

- (a) **Establishment** – There shall be a City Accountant who shall be primarily responsible for the functions provided in General Laws, Chapter 41, Sections 52, 56, 57 and 58.
- (b) **Mode of Appointment, Term of Office** - The Mayor shall, subject to the review of the City Council as provided in Section 2-10 of the Charter, appoint a person to perform the duties of City Accountant. The City Accountant shall hold no other City office involving the receipt or disbursement of money.
- (c) **Authorities and Responsibilities** - The Mayor and City Agencies authorized to spend money shall approve and transmit to the City Accountant all bills, drafts,

orders and pay rolls chargeable to the respective appropriations of which they have the expenditure. The City Accountant shall examine all such bills, drafts, orders and pay rolls, and, if found correct, shall draw a warrant upon the treasury for the payment of the same, and the treasurer shall pay no money from the treasury except upon such warrant prepared by the City Accountant and approved by the Mayor. The City Accountant may disallow and refuse to approve for payment any claim as fraudulent, unlawful or excessive, and in such case the City Accountant shall file with the City Treasurer a written statement of the reasons for such refusal.

- (i) The City Accountant shall keep a complete set of books and the accounts shall be kept, so far as practicable, in conformity with the classifications and forms prescribed by the director of accounts in accordance with General Laws, Chapter 44, Section 43. The City Accountant shall all contracts of the City to the City Clerk.
- (ii) Immediately upon the close of the calendar year , the City Accountant shall compile statements in tabulated form showing the amounts appropriated and the amounts expended from each appropriation during the preceding fiscal year, the amounts appropriated for the current fiscal year and the amounts expended from such appropriations during the first six months of such year, and the amounts estimated to be expended from such appropriations during the second six months of such year, and the estimates for the next ensuing fiscal year, and shall forthwith furnish a copy thereof to the Mayor, and to the City Council. The City Accountant shall also make an annual report to be published as a City document.
- (iii) All City Agencies authorized by law to expend money shall furnish to the City Accountant and to the Mayor, not less than ten days before the end of the calendar year, or not less than ninety days prior to the date of the start of the annual City meeting, whichever is later, detailed estimates of the amount necessary for the proper maintenance of the departments under their jurisdiction for the ensuing fiscal year, with explanatory statements, and an estimate of amounts necessary for outlays or permanent improvements.

Section 8.07 City Arborist

- (a) Powers and Duties. The City Arborist, subject to the direction and supervision of the Director of Public Services, shall have the following general powers and duties:
 - (i) To direct, manage, supervise, and control the City's forestry program to include the planting, removal, trimming, maintenance, and protection of all trees and shrubs in or upon all public areas of the City; to supervise parks department personnel and private contractors in the planting, removal, trimming, maintenance, and protection of said trees and shrubs.

- (ii) To cause the provisions of this ordinance to be enforced.
- (iii) To guard all trees and shrubs within the City against the spread of plant diseases, insects or pests; to eliminate conditions which may endanger the life, health, or safety of persons or property.
- (iv) To use all available means of communication to inform the public concerning the forestry program and tree and shrub care. The City Arborist shall, upon request by the owner or occupant of private property, examine and recommend the proper care or treatment of trees or shrubs, to be effected by the owner at his expense. There shall be no charge to the owner for the examination.
- (v) Such other powers and duties as are provided by Massachusetts General Law, Chapter 87 and by ordinances of the City of Beverly.
- (vi) Authority to Preserve and Remove Public Trees and Shrubs. The City Arborist shall have the authority to plant, remove, maintain, and protect all public trees and shrubs or cause such work to be done as may be necessary to preserve the beauty of public areas, and to protect life and property.
- (vii) Interference Prohibited. No person shall interfere with the City Arborist or his/her authorized representative while engaged in the execution or enforcement of this ordinance.

Section 8.08 City Collector

- (a) Establishment – There shall be a City Collector as provided in Section 5-4(2) of the Charter.
- (b) Mode of Appointment, Term of Office - The Mayor shall, subject to the review of the City Council as provided in Sections 2-10 of the Charter, appoint a person to perform the duties of City Collector for a term not to exceed three years.
- (c) Authorities and Responsibilities
 - (i) *Bond* - The City Collector shall give bond with a suitable fidelity insurance company as surety. Such bond shall be kept in the custody of the City Treasurer. (Rev. Ords. 1973, § 2-35)
 - (ii) *Account of receipts and payments; statement of receipts and disbursements; information respecting accounts and finance.* - The City Collector shall keep an accurate and true account of all money and other funds received on behalf of the City and shall on the first day of each month furnish the City Accountant and the Budget/Management Analyst employed by the City Council pursuant to Charter Section 2-8(a) with a statement in detail of all collections and other receipts during the preceding month. The collector shall render such other services and furnish such other information respecting the accounts, finances and payments

as may be required by the City Accountant, City Council Budget/Management Analyst, or by the City Council. (Rev. Ords. 1973, § 2-38)

- (iii) *Annual report to City* - The City Collector shall annually render to the Mayor a true account of all receipts and other official doings during the preceding financial year. The City Collector shall account to and including the thirtieth day of June during each year, and the fiscal year shall end on that day. (Rev. Ords. 1973, § 2-41)
- (iv) *Duties generally* - The City Collector shall perform all duties which are now or may hereafter be required of City Collectors by the laws of the Commonwealth, by the Charter, or by the ordinances of the City. The City Collector shall collect all taxes, charges and fees, water rents and charges, sewer rents and assessments and all other moneys due the City except as may be otherwise specifically prescribed, and shall pay the same to the City Treasurer not less frequently than weekly. (Rev. Ords. 1973, § 2-43)
- (v) *Duplicate bills*- Any head of a department or any officer or board issuing bills to any person for money due to the City shall forthwith deliver to the City Collector a duplicate thereof. (Rev. Ords. 1973, § 2-44)
- (vi) Deputy collectors
 - 1) The City Collector may appoint one (1) or more Deputy Collectors, one (1) of whom shall serve in the office of the City Collector. All other Deputy Collectors appointed shall serve without salary and shall receive fees for the collection of taxes unless otherwise designated by the Mayor and City Council.
 - 2) The Deputy Collector serving in the office shall receive such salary and give such bond as the Mayor and City Council may from time to time determine. (Rev. Ords. 1973, §2-45)

Section 8.09 Civil Defense, Director of (see Director of Emergency Management)

- (a) The department of civil defense shall be under the direction of a director of civil defense, who shall be appointed as prescribed by law. The director shall have direct responsibility for the organization, administration and operation of the department, subject to the direction and control of the appointing authority, and shall receive such salary as may be fixed from time to time by the appointing authority. The director may, within the limits of the amount appropriated therefor, appoint such experts, clerks and other assistants as the work of the department may require and may remove them, and may make such expenditures as may be necessary to execute effectively the purposes of chapter 639 of the Acts of 1950.
- (b) The director of civil defense shall also have authority to appoint district coordinators and may accept and may receive, on behalf of the city, services, equipment, supplies, materials or funds by way of gift, grant or loan, for purposes

of civil defense, offered by the federal government or any agency or officer thereof or any person, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. The director shall cause appropriate records to be kept of all matters relating to such gifts, grants or loans.

Section 8.10 City Electrician (Deleted by Ord. No. 131, 9-6-2012)

Section 8.11 City Physician

- (a) Election and term. There shall be a city physician who shall be annually elected by the City Council in January and shall serve for the term of two (2) years and until his successor is elected and qualified.

(Rev. Ords. 1973, § 10-8)

- (b) Qualifications. The city physician shall be a resident of the city and licensed by the Commonwealth.

(Rev. Ords. 1973, § 10-9)

- (c) Duties generally.

- (i) The city physician shall perform all the duties and render all the services now and hereafter incumbent upon him by the laws of the Commonwealth or the ordinances of the city.

(Rev. Ords. 1973, § 10-10)

"Charter reference-Election and removal by City Council, § 14.

- (ii) Attendance on certain patients; vaccination.
 - (iii) It shall be the duty of the city physician to attend, under the direction of the Department of Transitional Assistance of the Commonwealth of Massachusetts, upon all sick and insane indigent persons and other patients under the care of the city authorities at the city infirmary or elsewhere; to vaccinate, free of charge, all persons sent to him by the department of transitional assistance, and such scholars of the public schools as the school committee shall direct, and all other needy residents of the city who may apply to him; also to give certificates to such children of the public schools as he shall have examined for or effectually vaccinated.

(Rev. Ords. 1973, § 10-11)

- (iv) Attending meetings of board of health.
 - (v) At the request of the board of health the city physician shall attend its meetings and advise with the board and its agents relative to their work.

(Rev. Ords. 1973, § 10-12)

- (vi) Examination of officers and employees; persons injured on streets, etc.
- (vii) The city physician shall examine all candidates for appointment to the police force and fire department; also all officers and employees of the city and other persons injured upon the streets, ways, public works or elsewhere, whereby the city may become liable, keep a record thereof of his treatment of the case, and transmit a written report to the city solicitor.

(Rev. Ords. 1973, § 10-13)

- (viii) Sec. 9-52. Report. The city physician shall annually in January report to the City Council his official doings for the preceding year.

(Rev. Ords. 1973, § 10-14)

- (ix) Certifying sickness or injury of police and firemen. The city physician shall certify as to sickness and personal injuries incurred while in the performance of duty, relating to the fire department and relating to the police department.

(Rev. Ords. 1973, § 10-15)

- (x) Treatment of prisoners. At the request of the officers in charge of the police stations and lockups the city physician shall attend and give, free of charge, the necessary medical and surgical treatment to the prisoners therein.

(Rev. Ords. 1973, § 10-16)

- (xi) Infectious or contagious diseases; nuisances. In case of alarm of any infectious or contagious disease, or other cause of nuisance, the city physician shall give to the City Council or any committee thereof all such professional advice, service and counsel as it may require.

(Rev. Ords. 1973, § 10-17)

- (xii) Aid to city solicitor. At the request of the city solicitor, the city physician shall render such professional aid in court or otherwise as the city solicitor may designate in all suits and matters wherein the city is or may be interested.

(Rev. Ords. 1973, § 10-18)

- (xiii) Death certificates. In cases of death where there has been no physician in attendance the city physician shall upon application furnish a certificate to the best of his knowledge and belief of the cause of death.

(Rev. Ords. 1973, § 10-19)

Section 8.12 City Solicitor

- (a) ***Establishment*** - There shall be a City Solicitor who shall serve as the chief legal officer of the City who shall be the head of the Law Department.
- (b) ***Appointment, Term of Office*** - The Law Department shall be headed by a City Solicitor appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter for a term not to exceed three years.
- (c) ***Qualifications*** - The City Solicitor shall be a person especially fitted by education, training and experience to perform the duties of the office. At the time of appointment, the City Solicitor shall at least be an attorney admitted to practice in all courts of the Commonwealth and in the federal district courts, and have at least three years of progressively responsible experience in municipal, public or governmental law, or trial practice experience.
- (d) ***Powers and Duties*** – The City solicitor shall be responsible for all of the legal affairs of the City, and shall have the following specific powers and duties:
 - (i) The City Solicitor shall be responsible to the Mayor for the effective operation of the Law Department and all of the law and legal services-related functions and activities of the City. The City Solicitor shall with approval of the Mayor appoint and discharge employees within the Law Department. The City Solicitor shall perform personally, or shall supervise the provision of all legal services by the Law Department, and shall direct and assign all personnel serving in said department whether as an employee or as a consultant.
 - (ii) Keep records.
 - 1) Suits. Keep a complete record of all suits in which the City had or has an interest, giving the names of the parties, the court where brought, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.
 - 2) Opinions and titles. Keep a complete record of all written opinions furnished by any member of the Law Department
 - 3) Title to Real Estate. Keep a complete record of all real property acquired by the city, and assure that all deeds and other instruments of title are properly recorded in the Registry of Deeds or Land Court as appropriate.
 - 4) *Deliver records to successor.* Deliver all records, documents and property of every description in his possession, belonging to his office or to the City, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the City Clerk.

- (iii) *Professional assistants.* The City Solicitor may appoint, subject to the consent of the Mayor, deputy assistants and such other assistants as in his judgment are needed to carry on the legal business of the City.
- (iv) *Special counsel.* In case of special or unusual circumstances or in any case where the City Solicitor by reason of interest cannot represent the City, the Mayor, upon the request of the City Solicitor, may appoint special counsel and fix his or her compensation.
- (v) Generally.
 - 1) It shall be the duty of the City Solicitor to examine all titles of real estate and draft all legal instruments and papers of whatsoever nature may be required by any ordinance or order of the City Council, or by any committee thereof, or by the School Committee, and which by law, usage or agreement the City is to be at the expense of drawing.
 - 2) It shall be the duty of the City Solicitor to give a legal opinion and professional advice on any subject relating to the affairs of the City or the duties of any of its officers, when required by the Mayor, City Council or any standing or special committee, or by the School Committee, or any officer of the City government, and generally to perform those duties appertaining to the office as the legal adviser and attorney of the City.
 - 3) It shall be the duty of the City Solicitor to commence and prosecute all actions and suits begun by the City and to defend all actions and suits brought against the City in any court or tribunal in the Commonwealth, and also to appear as counsel in any other action, suit or prosecution which may involve the rights and interests of the City, and to defend any of the officers of the City in suits and prosecutions against them for any official action or the performance of any official duty when any estate, right, privilege, ordinance, act or direction of the City government may be brought in question, and the City Solicitor shall also appear as counsel before the legislature of the Commonwealth, or any committee thereof, whenever the interest and welfare of the City may be directly or incidentally affected.
 - 4) *Copies of opinions furnished to City Clerk.* Whenever the City Solicitor has rendered a written opinion to any board or officer of the City, a copy thereof shall be sent to the City Clerk, together with a copy of the communication to which the City Solicitor's response is being made, and the City Clerk shall thereupon cause the same to be filed for future reference.

Section 8.13 City Treasurer

- (a) ***Establishment*** – There shall be a City Treasurer as provided in Section 5-4(2) of the Charter.

- (b) ***Appointment, Term of Office*** – The Mayor shall, subject to the review of the City Council as provided in Section 2-10 of the Charter, appoint a City Treasurer to serve for a term not to exceed three years.
- (c) Powers and Duties -
- (i) ***Bond.*** The City Treasurer shall give bond with a suitable fidelity insurance company as surety in such sum as the commissioner of corporations and taxation may determine. Such bond shall be in custody of the Mayor. (Rev. Ords. 1973, § 2-35)
 - (ii) ***Custodian of bonds.*** - All other bonds of City officers or agents shall be in the custody of the City Treasurer.
 - (iii) ***Receiving and holding money; no payment except on written order of Mayor.*** - The City Treasurer shall receive and hold all moneys of the City. No money shall be paid or drawn out of the treasury, except on written order of the Mayor addressed to the treasurer, designating the funds or appropriation from which such orders are to be paid; nor shall any order be drawn in payment for services rendered or material furnished for any department beyond the sum specifically appropriated therefor by the City Council. (Rev. Ords. 1973, § 2-37)
 - (iv) ***Account of receipts and payments; statement of receipts and disbursements; information respecting accounts and finances.*** - The City Treasurer shall keep an accurate and true account of all receipts and payments on behalf of the City and shall, on the first day of each month, furnish the City Accountant and the Budget/Management Analyst employed by the City Council pursuant to charter Section 2-8(a) with a statement in detail of all collections, receipts and disbursements during the preceding month. The treasurer shall render such other services and furnish such other information respecting the accounts, finances and payments as may be required by the City Accountant, City Council Budget Analyst, or committee of the City Council. (Rev. Ords. 1973, § 2-38)
 - (v) ***Funds received from sewer assessments.*** - All sewer assessments received and paid into the City treasury shall be kept by the treasurer separate and apart from all other funds and shall only be appropriated and used from time to time to pay for the further construction of sewers or the interest and principal on bonds, notes or scrip heretofore issued or hereafter to be used for such purpose. (Rev. Ords. 1973, § 2-40)
 - (vi) ***Annual report to City Council.*** - The treasurer shall annually render to the Mayor a true account of all receipts, expenditures and other official doings during the preceding financial year. The treasurer shall account to and including the thirtieth day of June during each year, and the fiscal year shall end on that day. (Rev. Ords. 1973, § 2-41)

- (vii) *Duties generally.* - The City Treasurer shall perform all duties which are now or may hereafter be required of City Treasurers by the laws of the Commonwealth, by the Charter, or by the ordinances of the City. (Rev. Ords. 1973, § 2-43)
- (viii) *Duplicate bills* - Any head of a department or any officer or board issuing bills to any person for money due to the City shall forthwith deliver to the City Treasurer a duplicate thereof. (Rev. Ords. 1973, § 2-44)

Section 8.14 City Treasurer, Assistant

- (a) The office of Assistant Treasurer is hereby established. The City collector, by virtue of office, shall serve as Assistant Treasurer and shall assist in the performance of the duties of the treasurer when that officer is absent or unable to act, and also when there is a vacancy in the office of treasurer. The assistant treasurer shall give such bond with a fidelity insurance company as surety as the department of revenue of the Commonwealth may determine to be desirable. (Rev. Ords. 1973, § 2-42)

Section 8.15 Clerk of Committees, City Council

- (a) Establishment - There shall be a Clerk of City Council Committees.
- (b) Mode of Appointment, Term of Office - The Clerk of City Council Committees shall be elected by the members of the City Council for a term not to exceed three years.
- (c) Authorities and Responsibilities - The Clerk of City Council Committees shall act as clerk of all committees composed in whole or in part of members of the City Council, and shall receive such compensation as the City Council may from time to time determine.
 - (i) The Clerk of City Council Committees shall record in books kept for the purpose all proceedings and transactions of the committees of the City Council, and keep a calendar of all meetings of such committees, and shall perform such other duties as shall be required of such clerk, from time to time, by such committees.

Section 8.16 Community Services Director

- (a) *Appointment, Term of Office* - There shall be a Director of Community Services, who shall be the head of the Department of Community Services shall be appointed by the Mayor subject to the review of the Council as provided in Section 2-10 of the Charter, to serve for a term not to exceed three years.
- (b) Qualifications: At the time of appointment the Director of Community Services shall hold at least a bachelor's degree in a field appropriately related to business administration or public administration and shall have had at least five years of progressively responsible experience in public or governmental administration.

- (c) *Powers and Duties* - The Director of Community Services shall be responsible to the Mayor for the effective operations of the Department of Community Services and all of the community services activities of the department. The Director of Community Services shall, with the approval of the Mayor, appoint and discharge employees within the Department of Community Services, except for the Director of Public Health, who shall be appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter. The Director of Community Services shall supervise all activities of the Department of Community Services and shall direct and assign all personnel serving in the said department and shall direct and assign other municipal personnel in the performance of community services related services or functions.
- (i) Provide coordination and direction to the agencies within the department to insure consistent administration and the efficient delivery of services to citizens and taxpayers.
 - (ii) Meet regularly with the Mayor to develop goals and objectives for each of the agencies within the department and to measure and evaluate the performance of functions by the agencies.
 - (iii) Meet with all City Agencies to explain the goals and objectives set by the Mayor for each such agency.
 - (iv) Examine the level of services provided in other communities to ensure the City of Beverly provides nothing less than an equivalent service for its citizens.
 - (v) Assist all City Agencies in the development of annual operating budgets and capital outlay requests.
 - (vi) Provide assistance to all City Agencies in personnel-related matters including appointment, discharge, evaluation and supervision.
 - (vii) Serve as liaison among all City Agencies, the City Council and the Mayor.
 - (viii) Be responsible for the coordination and supervision of the data processing and management information systems for the city and any of its governmental offices and agencies.

Section 8.17 Confidential Secretary/Administrative Assistant to the Mayor

- (a) **Establishment.** – There shall be a Confidential Secretary/Administrative Assistant to the Mayor.
- (b) **Mode of Appointment, Term of Office** - The Confidential Secretary/Administrative Assistant to the Mayor shall be appointed by and responsible only to the Mayor. The Confidential Secretary/Administrative Assistant shall serve at the pleasure of the Mayor.

- (c) **Authorities and Responsibilities** - The Confidential Secretary/Administrative Assistant to the Mayor shall have the following duties:
- (i) Organize and summarize information and prepare it for the Mayor's review and action;
 - (ii) Meet with department heads regarding day-to-day business, expediting administrative interaction between the Mayor's office and City departments;
 - (iii) Serve as a liaison officer between the Mayor, the media, public interest groups, businesses and residents;
 - (iv) Be familiar with all aspects of the City government and with the functions and activities of the various offices and employees of the City;
 - (v) Be familiar with the various services rendered by the City to its residents, in order that callers can be informed of the extent of these services and of the schedule for their performance;
 - (vi) Review all correspondence received in the office of the Mayor, and arrange for its routing and for assembling the materials needed by the Mayor to respond to all such correspondence;
 - (vii) Answer all telephone calls placed to the office, respond in an appropriate fashion and direct as appropriate;

Section 8.18 Constables

- (a) **Establishment** - There shall be one or more constables as provided in General Laws, Chapter 41, Sections 91 through 95.
- (b) **Mode of Appointment, Term of Office** - The Mayor shall appoint, subject to the review of the City Council as provided in Section 2-10 of the Charter, one or more constables for a term not to exceed three years each.
- (c) **Authorities and Responsibilities** - Constables may serve certain civil writs and processes. They have the powers of sheriffs to require aid in the execution of their duties. Constables take due notice of and prosecute all violations of law, respecting the observance of the Lord's Day, profane swearing and gaming. Constables also serve all processes directed to them by the City, for notification of City meetings, or for other purposes.

Section 8.19 Council on Aging Director

- (a) **Establishment** - There shall be a Director of the Council on Aging.

- (b) ***Mode of Appointment, Term of Office*** - The Mayor shall appoint some person especially suited by education, training and experience to serve as Director of the Council on Aging for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Director of the Council on Aging shall assist the council on aging in coordinating and conducting programs dealing with the problems of aging and shall promote facilities for the health, education, welfare and recreation of the aging. The Director shall be an advocate for the needs of the elderly people residing in the City, and shall conduct surveys of the elderly population to better determine their needs, problems and concerns.

Section 8.20 Emergency Management Director

- (a) ***Establishment*** – There shall be a Director of Emergency Management, to administer the department of Emergency Management as provided in Chapter 639 of the Acts of 1950, as amended.
- (b) ***Mode of Appointment, Term of Office*** – The Mayor shall appoint, subject to the review of the City Council as provided in Section 2-10 of the Charter, a Director of Emergency Management to serve for a term not to exceed three years. (Rev. Ords. 1973, § 7-1)
- (c) ***Authorities and Responsibilities*** - The Director of Emergency Management shall be responsible for preparing and carrying out all emergency functions and services, including but not limited to: police and fire fighting services; medical and other health services; rescue engineering and air-raid warning services; evacuation of person from stricken areas; emergency welfare services; communications; radiological, chemical and other special weapon of defense; emergency transportation; existing or properly assigned functions of plant protection; temporary restoration of public utility services, and other functions. The said Director shall have all other powers and duties given to such directors by general laws, provisions of the Code of Massachusetts Regulations, and City ordinances.

Section 8.21 Engineering, Commissioner of Public Services, Public Works Director

- (a) ***(a) Establishment*** – There shall be a Director of Engineering, Commissioner of Public Services, Public Works. The Director of Engineering, Commissioner of Public Services, Public Works shall be a City Officer.
- (b) ***(b) Mode of Appointment, Term of Office*** - The Mayor shall, subject to the review of the City Council as provided in Section 2-10 of the Beverly Home Rule Charter, appoint a Director of Engineering, Commissioner of Public Services, Public Works for a term of not more three years.
- (c) ***(c) Authorities and Responsibilities*** - The Director of Engineering, Commissioner of Public Services, Public Works shall be responsible for maintenance of the disposal area, water pollution control facilities, public highways, bridges,

sidewalks, parking lots, parks, playgrounds, recreation and conservation areas, cemeteries, City forests, and public buildings, as well as the maintenance of all City-owned vehicles. The Director of Engineering, Commissioner of Public Services, Public Works shall, with the approval of the Mayor, appoint division chiefs.

- (d) The Department of Public Works shall be under the direction and control of the Director of Engineering, Commissioner of Public Services, Public Works. The Director of Engineering, Commissioner of Public Services, Public Works shall perform all duties and shall have the powers formerly imposed and conferred upon the Commissioner of Public Works, superintendent of highways and sewers, tree warden, water board, superintendent of waterworks, board of park commissioners and surveyor of highways. (Rev. Ords, 1973, § 24-2)
- (e) The Director of Engineering, Commissioner of Public Services, Public Works shall have charge and control of maintenance of the public cemeteries and burial places within the City limits. (Rev. Ords. 1973, § 24-2A)
- (f) The Director of Engineering, Commissioner of Public Services, Public Works shall have charge of all specific repairs upon all highways, streets and bridges.
- (g) The Department of Engineering shall be under the direction and control of the Director of Engineering, Commissioner of Public Services, Public Works.
- (h) The Director of Engineering, Commissioner of Public Services, Public Works shall be responsible to the Mayor for the effective operation of the Department of Engineering, and shall be responsible for the management of all projects assigned to the Department of Engineering whether performed by city employees or outside entities and for all personnel assigned to the department.
- (i) The Director of Engineering, Commissioner of Public Services, Public Works shall be responsible for the coordination of all activities of agencies within the department with all activities of the Salem and Beverly Water Supply Board and the South Essex Sewerage District.
- (j) The Director of Engineering, Commissioner of Public Services, Public Works shall be responsible for the coordination and oversight of the collection and disposal of solid waste and recyclable materials.”

(Ord. No. 174A, 9-5-2008; Ord. No. 42, 4-6-2011)

Section 8.22 Fence Viewers

- (a) ***Establishment*** - There shall be two or more Fence Viewers, as provided in MGL Chapter 49, Sections 1 through 20.

- (b) ***Mode of Appointment, Term of Office*** - The Director of Municipal Inspections shall, subject to the consent of the Mayor, annually appoint two or more Fence Viewers, to hold office for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Fence Viewers shall be responsible for the enforcement of MGL Chapter 41, Sections 1-21, and may determine when a partition fence is required. They shall have all of the other powers and duties given to Fence Viewers by general laws of the commonwealth.

Section 8.23 Fire Chief

- (a) ***Establishment*** - There shall be a Fire Chief as provided in MGL Chapter 48, Sections 42 to 44 who shall be the head of the Fire Department which shall be responsible for the coordination of all the fire protection services of the City and for the supervision and coordination of all activities of all City Agencies in relation to any fire safety programs, fire suppression and extinguishing fires and emergency management and medical services.
- (b) ***Appointment, Term of Office*** - The Fire Chief, shall be appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, to serve for a term of not less than three nor more than five years.
- (c) ***Qualifications*** - The Fire Chief shall be a person especially fitted by education, training and experience to perform the duties of the office. The Fire Chief shall be a person especially fitted by education, training and experience to perform the duties of the office. At the time of appointment the Fire Chief shall hold at least a degree in a field appropriately related to public safety and shall have had at least five years of progressively responsible experience in fire safety administration.
- (d) The Fire Chief shall be a City Officer and a Public Safety Official.
- (e) ***Powers and Duties*** - The Fire Chief shall be responsible to the Mayor for the effective operation of the Department of Fire Protection and all of the fire safety activities of the City. The Fire Chief shall supervise all activities of the department of fire protection, and shall coordinate the assignment of personnel serving in the said department through the heads of the several Offices constituting the department. The Fire Chief may serve, notwithstanding any provision of this ordinance which may appear to the contrary, as the head of any other Office within the department or may appoint the head of one office within the department to serve in addition as the head of another office within the department, provided such person so appointed or so serving possesses all of the qualifications for the position which may be prescribed by law, by rule, or otherwise.
- (f) The Fire Chief shall have the specific powers and duties as set forth by ordinance including but not limited to:
 - (i) Administer the affairs of the Fire Department.

- (ii) Have general authority and control over all Office staff and oversee the proper fulfillment of all tasks and duties assigned to the Fire Department.
- (iii) Prescribe such rules and regulations as he deems necessary or expedient for the proper operation of the Fire Office and to that end keep himself informed of the latest administrative practices.

Subject to the civil service law and rules and any collective bargaining agreements as may be applicable to take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within the department and supervise their performance.

- (iv) Coordinate all emergency preparedness functions of the City to be compatible with the functions of the federal and state governments and adjacent political subdivisions.
- (v) Establish policies for effective use of work force resources and facilities to deal with any major natural disaster or nuclear incident.
- (vi) Provide for emergency functions to prevent and minimize the effects of disasters on persons and provide for the emergency repair of damage to public facilities resulting from enemy attack, fire, flood, tornado, earthquake, or other natural causes.

Section 8.24 Fire Inspector

- (a) ***Establishment*** - There shall be a Fire Inspector as provided in Charter Section 5-8.
- (b) ***Mode of Appointment, Term of Office*** – The Mayor shall appoint a Fire Inspector for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Fire Inspector shall be responsible for the enforcement of the fire prevention law, General Laws, Chapter 148, and the fire prevention code, 527 Code of Massachusetts Regulations, and shall coordinate all such activity between the Fire Department, the Fire Chief, the Department of Municipal Inspections and the Director of Municipal Inspections.

Section 8.25 Forest Warden

- (a) ***Establishment*** - There shall be a Forest Warden as provided in MGL Chapter 48, Section 8.
- (b) ***Mode of Appointment, Term of Office*** - The Fire Chief shall serve, by virtue of office, as Forest Warden.
- (c) ***Authorities and Responsibilities*** - The Fire Chief, when acting as Forest Warden, may appoint and may discharge deputies to assist in the duties of Forest Warden;

and if in their judgment there is any danger from a forest fire, the Forest Warden or the deputies may employ assistance or require any person in their City between the ages of 18 and 50 to aid in the extinguishment or prevention of forest fires.

- (i) The Forest Warden may arrest without warrant any person found in the act of setting, maintaining or increasing a fire in violation of c.48, s. 13 of the General Laws.
- (ii) The Fire Chief, acting as Forest Warden, shall have all of the powers, duties, and responsibilities assigned to Forest Wardens by MGL, Chapter 48, Sections 8 through 28C.

Section 8.26 Gas Piping and Gas Appliances Inspector

- (a) ***Establishment*** - There shall be an Inspector of Gas Piping and Gas Appliances as provided in MGL Chapter 142, Section 11 and Chapter 143, Section 30.
- (b) ***Mode of Appointment, Term of Office*** - The Inspector of Gas Piping and Gas Appliances shall, subject to the consent of the Mayor, be appointed by the Director of Municipal Inspections and shall hold office as provided in Section 5-8 of the Charter for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Inspector of Gas Piping and Gas Appliances is responsible to the Director of Municipal Inspections for the enforcement of the rules and regulations adopted by the Gas Regulatory Board, created by General Laws, Chapter 25, Section 12H. The Inspector of Gas Piping and Gas Appliances shall have all other powers and duties given to Inspector of Gas Piping and Gas Appliances by the general laws of the commonwealth, code of Massachusetts Regulations, and by City ordinances.

Section 8.27 Harbormaster

- (a) ***Establishment*** - There shall be a Harbormaster and such assistants as may be deemed necessary.
- (b) ***Appointment, Term of Office*** - The Mayor shall, subject to the review of the City Council as provided in Section 2-10 of the Charter, appoint a Harbormaster to serve for a term of not more than three years. The Harbormaster, subject to the consent of the Mayor, may appoint assistant harbor masters for terms not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Harbormaster and assistant Harbormasters shall be responsible for the operation of all vessels in the harbor in conformity with Sections 17 through 28 of Chapter 102 of the General Laws and all City ordinances adopted in relation to the harbor.

Section 8.28 Human Resources Director

- (a) ***Establishment*** - There shall be a Director of Human Resources as provided in Section 5-7 of the Charter who shall be the head of the Department of Human Resources (as provided in Section 5-7 of the Charter) which shall be responsible for all personnel and employee-related functions and activities of the City and for the supervision and coordination of all activities of all City Agencies in relation to any personnel or employee related function or activity.
- (b) ***Appointment, Term of Office*** - The Director of Human Resources shall be appointed by the Mayor, subject to review of the Council as provided in Section 2-10 of the Charter, to serve for a term of not more than three years.
- (c) ***Qualifications*** - The Director of Human Resources shall be a person especially fitted by education, training and experience to perform the duties of the office. The Director of Human Resources shall be a person especially fitted by education, training and experience to perform the duties of the office. At the time of appointment the Director of Human Resources shall hold at least a degree in a field appropriately related to business administration or public administration and shall have had at least five years of progressively responsible experience in public or governmental personnel or human services administration.
- (d) ***Powers and Duties:*** The Director of Human Resources shall have the following specific powers and duties:
 - (i) The Director of Human Resources shall be responsible for all personnel and employee related functions and activities of the City government and its administration as provided in Section 5-7 of the Charter.
 - (ii) Plan, administer and direct all phases of all municipal personnel plans and collective bargaining agreements, including wage and salary administration, position classification, sick and vacation day administration, accident prevention programs, employee grievance procedures, physical examination processing, testing, review and evaluation of work records and all other record keeping related to City employees.
 - (iii) Develop new and revised personnel policies and practices to maintain and keep current the existing high standards for municipal personnel.
 - (iv) Review and evaluate all requests for new or additional personnel made by City Agencies and make recommendations to the Mayor.
 - (v) Advise and assist all agency heads and employees in all aspects of municipal personnel matters including recruitment, promotion, transfer, training, wages, insurance and other benefits of employment.
 - (vi) Adopt and promulgate rules and regulations governing any subject within the jurisdiction of the Department of Human Resources as are necessary to implement the provisions of this ordinance.

Section 8.29 Information Technology Director

- (a) **Establishment** – There shall be a Director of Information Technology.
- (b) **Mode of Appointment, Term of Office** – The Mayor shall, appoint a Director of Information Technology for a term not to exceed three years.
- (c) **Authorities and Responsibilities** – The Director of Information Technology shall be responsible for the implementation, development and upkeep of the electronic data processing, document storage, search and retrieval system and other information technology systems and uses of the City.

Section 8.30 Keeper of the Lock-Up

- (a) **Establishment** - There shall be a Keeper of the Lockup, as provided in General Laws, Chapter 40, Section 35.
- (b) **Mode of Appointment, Term of Office** - The Mayor shall appoint a Keeper of the Lock-up for a term not to exceed three years.
- (c) **Authorities and Responsibilities** - The Keeper of the Lock-up shall have the care and custody of the City lock-up and of all persons who are committed to the lock-up, as provided in General Laws, Chapter 40 Sections 34-37, inclusive.

Section 8.31 Library Director

- (a) **Establishment** - There shall be a Library Director.
- (b) **Mode of Appointment, Term of Office** - The Library Director shall be appointed by the Mayor, for a term not to exceed three years.
- (c) **Authorities and Responsibilities** - The Library Director shall be responsible for overseeing the entire operation of the public library including management of the buildings and grounds; preserving, maintaining and enlarging the books, periodicals, manuscripts, recordings, film, videotape and other materials which constitute the collection; to supervise and direct all employees of the public library and to be involved in every other phase of the care and management of the Public Library on behalf of the Board of Trustees and the public.

Section 8.32 Municipal Finance Director

- (a) **Establishment** - There shall be a Director of Municipal Finance, as provided in Section 5-4 of the Charter who shall be the head of the Department of Municipal Finance (as provided in Article 5-4 of the Charter) which shall be responsible for the management of the fiscal and financial affairs of the City, and for the supervision and coordination of all activities of all City Agencies in relation to any fiscal or financial matter.

- (b) *Appointment, Term of Office* - There shall be a Director of Finance appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, to serve for a term not to exceed three years.
- (c) *Qualifications* - The Director of Finance shall be a person especially fitted by education, training, and experience to perform the duties of the office. The Director of Finance shall be a person especially fitted by education, training, and experience to perform the duties of the office. At the time of appointment the Director of Finance shall hold at least a bachelors degree in a field appropriately related to finance, including, but not limited to business administration or public administration, and shall have had at least five years of progressively responsible experience in public or governmental finance.
- (d) ***Powers and Duties*** – The Director of Finance shall have the following specific powers and duties:
 - (i) The Director of Municipal Finance shall be responsible for the performance of all the fiscal and financial activities of the City, as provided in Section 5-4 of the Charter.
 - (ii) to assure that a full and complete inventory of all City property is kept, including all such property under the jurisdiction of the School Committee.
 - (iii) to be responsible for the development, in draft form, of an annual operating budget and an annual capital improvement plan to assist the Mayor in meeting the financial responsibilities assigned to the Mayor by Article 6 of the Charter, and for the oversight throughout each fiscal year of the expenditure of all City funds pursuant to such budgets as are adopted by the City.
 - (iv) The Director of Finance shall receive all requests made for the expenditure of City funds from every City office and agency. The Director of Finance shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all City funds and activities for the ensuing fiscal year. In making such arrangement, the Director of Finance may, with the approval of the Mayor, alter in any manner the requests made for appropriations by any City office or agency, except the School Committee.
 - (v) The proposed City operating budget for the ensuing fiscal year shall be prepared by the Director of Finance within fiscal and policy guidelines established by the Mayor. The proposed operating budget prepared by the Director of Finance shall utilize modern concepts of fiscal presentation so as to furnish a maximum amount of information and the best financial controls, and shall show in detail all estimated income from the proposed property tax levy and from every other source, by category. The proposed City operating budget as prepared by the Director of Finance shall show in separate columns the amount appropriated in the prior fiscal year, the amount requested by the spending agency, and the amount recommended by the Mayor. The proposed budget submitted to the City

Council by the Mayor shall be based upon the material prepared by the Director of Finance.

- (vi) to adopt and to promulgate rules and regulations governing any subject within the jurisdiction of the Department of Municipal Finance as are necessary to implement the provisions of this ordinance.

Section 8.33 Municipal Inspections Director

- (a) ***Establishment*** - There shall be a Director of Municipal Inspections, , as provided in Section 5-8 of the Charter who shall be the head of the Department of Municipal Inspections (as provided in Section 5-8 of the Charter) which shall be responsible for the coordination and management of the inspection-related activities of the City, and for the supervision and coordination of all activities of all City Agencies in relation to any inspection service as provided in General Laws, Chapter 143, Section 3 and 780 CMR (Code of Massachusetts Regulations).
- (b) ***Mode of Appointment, Term of Office*** - Subject to the review of the City Council as provided in Section 2-10 of the Charter, the Building Inspector shall, be appointed by the Mayor and shall hold office for a term not to exceed three years and in conformity with the provisions of Section 5-8 of the Charter. The Director of Municipal Inspections shall have at least the qualifications as are provided in General Laws, Chapter 143, Section 3.
- (c) The Director of Municipal Inspections shall be a person especially fitted by education, training, and at least five years experience in code enforcement services to perform the duties of the office. At the time of appointment, the Director of Municipal Inspections shall be qualified, and state certified, to serve as the head of at least one of the divisions within the department.
- (d) ***Powers and Duties*** - The Director of Municipal Inspections shall be responsible to the Mayor for the effective operation of the Department of Municipal Inspections and all of the inspection-related activities of the department. The Director of Municipal Inspections shall, with the approval of the Mayor, and in accordance with sections 3-4 and 8-15 of the Charter, appoint and discharge employees permanently assigned within the offices of municipal inspections except for those designated as City Officers, who shall be appointed by the Mayor, subject to the review of the Council. The Director of Municipal Inspections shall supervise all activities of the Department of Municipal Inspections and shall direct and assign all personnel serving in the said department and shall direct and assign other municipal personnel in the performance of inspection services.
- (e) The Director of Municipal Inspections may serve, notwithstanding any provision of this ordinance which may appear to the contrary, as the head of any other offices within the department or may appoint the head of one office within the department to serve in addition as the head of another office within the

department, provided such person so appointed or so serving possesses all of the qualifications for the position which may be prescribed by law, by rule, or otherwise.

- (f) The Director of Municipal Inspections shall have such other specific powers and duties as set forth by ordinance.
- (g) ***Authorities and Responsibilities*** - The Director of Municipal Inspections shall make inspections, issue such permits and enforce such regulations and ordinances as may be required by the City or as may be required by the provisions of Chapter 143 of the General Laws or under the, so-called, state building code and may for such purposes, at all reasonable times, enter upon premises to carry out such lawful procedures.
- (h) The shall serve as the Zoning Enforcement Officer as provided in Section 7 of Chapter 40A of the General Laws.

Section 8.34 Public Health Director

- (a) ***Establishment*** - There shall be a Director of Public Health.
- (b) ***Mode of Appointment, Term of Office*** - The Mayor shall, subject to the review of the City Council as provided in Section 2-10 of the Charter, appoint a Director of Public Health for a term not to exceed three years.
- (c) ***Powers and Duties*** - The Director of Public Health is responsible for planning, implementing and enforcing public health laws, codes, regulations board policies, rules and preventive health and environmental programs. The Director exercises administrative and technical supervision over all employees of the Health Department, directs all activities of the department in accordance with policies of the Board of Health and public health laws and is responsible for the conduct of programs designed to preserve and protect the public health within the City.

Section 8.35 Parking Clerk

- (a) ***Establishment*** - There shall be a Parking Clerk as provided in MGL Chapter 90, Section 20A .
- (b) ***Mode of Appointment, Term of Office*** - The Director of Municipal Finance shall, subject to the consent of the Mayor, appoint a Parking Clerk for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Parking Clerk shall report to the Director of Municipal Finance and shall supervise and coordinate the processing of parking notices in the City as provided in MGL c. 90, s. 20A-E.

Section 8.36 Planning and Development Director

- (a) ***Establishment.*** - There shall be a Director of Planning and Development, as provided in Section 5-5 of the Charter who shall be the head of the Department of Planning and Development (as provided in Section 5-5 of the Charter) which shall be responsible for the coordination of all of the planning and development-related activities of the City and for the supervision and coordination of all activities of all City Agencies in relation to any planning and development-related activities conducted by any such agency of the City.
- (b) ***Appointment, Term of Office*** - There shall be a Director of Planning and Development as provided in Section 5-5 of the Charter and appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, for a term not to exceed three years.
- (c) ***Qualifications*** - The Director of Planning and Development shall be a person especially fitted by education, training and experience to perform the duties of the office. The Director of Planning and Development shall be a person especially fitted by education, training and experience to perform the duties of the office. Qualifications for appointment as Director of Planning and Development shall include, but are not limited to a degree in a field appropriately related to municipal planning and development, including, but not limited to business administration or public administration and at least five years of progressively responsible experience in public or governmental planning and development.
- (d) ***Powers and Duties*** - The Director of Planning and Development shall be responsible to the Mayor for the effective operation of the Department of Planning and Development and all of the planning and development activities of the City. The Director of Planning and Development shall supervise all activities of the Department of Planning and Development and shall direct and assign all personnel serving in the said department, and shall direct and assign other municipal personnel in the performance of planning and development related services or functions.
- (e) ***Authority and Responsibilities*** - The Director of Planning and Development shall be responsible to the Mayor for the effective operation of the Department of Planning and Development and all of the planning and development activities of the city. The Director of Planning and Development shall, with the approval of the Mayor, appoint and discharge employees within the Department of Planning and Development. The Director of Planning and Development shall supervise all activities of the Department of Planning and Development and shall direct and assign all personnel serving in the said department, and shall direct and assign other municipal personnel in the performance of planning and development related services or functions.
- (f) The Director of Planning and Development shall have the following specific powers and duties:

- (i) to be responsible for the coordination of all planning and development related activities of the city;
- (ii) to be responsible for the administration of the City Agencies and functions assigned to this department;
- (iii) to be responsible for the coordination of all land acquisitions and disposals, land management proposals, and all economic planning;
- (iv) to be responsible for the preparation of a comprehensive or master plan which shall set forth, in graphic and textual forms, policies to govern the future development of the City;
- (v) to be responsible for the maintenance of a central records library for all data, reports, records, statistics and planning and development related materials as may be related to the city, whether written, printed or otherwise reproduced and whether on magnetic tape for audio or visual retrieval or stored in computer related form;
- (vi) to be responsible for oversight of the community development block grants office to insure applications made by the agency for funds are consistent with and conformable to the comprehensive or master plan and to monitor the administration of any grants received for compliance with the City's plan and the grantor's requirements and conditions;
- (vii) to adopt and to promulgate rules and regulations governing any subject within the jurisdiction of the Department of Planning and Development as are necessary to implement the provisions of this ordinance;
- (viii) Plan, organize and direct the activities of professional technical, administrative and clerical personnel of the planning department engaged in the compilation, analysis and interpretation of data pertaining to municipal planning;
- (ix) Initiate and conduct studies of the resources, possibilities and needs of the city and its metropolitan area;
- (x) Prepare plans and recommendations for submission to the Mayor and City Council:
- (xi) For the use of land for residential, commercial, industrial, recreational and other purposes;
- (xii) For controlling shifts of population;
- (xiii) For situating public and private ways, bridges, parks, recreation facilities, public buildings, public utility services, public housing projects, slum clearance and urban development projects, public garages and off-street parking facilities;

- (xiv) For affording further facilities for the housing, transportation, employment, health, safety and general welfare of the population;
- (xv) Act as technical adviser to the Mayor and City Council, planning board, and other City Agencies or officials on municipal planning matters;
- (xvi) Publish and distribute such copies of plans or reports as the City Council may authorize in connection with planning and development problems and policies;
- (xvii) Prepare and submit annually a long-range, capital improvement program for the city including data as to the cost of each project recommended, relative priorities of projects from an urgency and desirability standpoint, and the amounts that might be available from borrowed funds, federal or state grants in-aid or from the annual tax levy, together with the estimated amounts returnable to the city by betterment assessments;
- (xviii) Prepare and administer the departmental budget;
- (xix) Participate in the administration of the zoning, subdivision and other related ordinances;
- (xx) Confer with civic groups; prepare public relations programs; participate in planning conferences; and speak to public gatherings; (Rev. Ords. 1973, § 21-12)
- (xxi) The planning director shall have full charge of the work of his department and full supervision of the work of his planning and office staff, but in the performance of his duties and responsibilities, he shall be directly responsible to and subject to the direction, authority, and control of the planning board;
- (xxii) (Rev. Ords. 1973, § 21-13)
- (xxiii) The planning director shall participate and cooperate with the planning board of the city in the fulfillment of the board's responsibilities under chapter 41 of the General Laws, and shall perform any and all functions of that board as it lawfully delegates to him.
- (xxiv)

Section 8.37 Plumbing Inspector

- (a) ***Establishment*** - There shall be a Plumbing Inspector as provided in MGL Chapter 142, Section 11.
- (b) ***Mode of Appointment, Term of Office*** - The Mayor shall appoint a Plumbing Inspector who shall serve as provided in Section 5-8 of the Charter for a term not to exceed three years.

- (c) ***Authorities and Responsibilities*** - The Plumbing Inspector shall be responsible for the enforcement of all rules and regulations with regard to the construction, alteration and repair of all plumbing in the City. (MGL c. 142, ss. 11-13 and c. 142, generally)

Section 8.38 Police Chief

- (a) ***Establishment*** - There shall be a Police Chief, as provided in Chapter 41 Sections 96 through 99A who shall be the head of the Police Department which shall be responsible for the coordination of all the police-related activities of the City and for the supervision and coordination of all activities of all City Agencies in relation to any police safety matter.
- (b) ***Appointment***. The Police Chief, be appointed by the Mayor, subject to review of the Council as provided in Section 2-10 of the Charter, and shall serve for a term of not less than three nor more than five years.
- (c) The Chief of Police shall be a City Officer and Public Safety Official
- (d) ***Powers and duties***. The Police Chief shall be responsible to the Mayor and shall have the following duties:
 - (i) Administer the affairs of the Police Department.
 - (ii) Have general authority and control over all departmental staff and oversee the proper fulfillment of all tasks and duties assigned to the department.
 - (iii) Prescribe such rules and regulations as he deems necessary or expedient for the proper operation of the Police Department and to that end keep informed of the latest administrative practices.
 - (iv) Subject to the civil service law and rules and any collective bargaining agreements as may be applicable, to take all personnel actions, including hiring, assigning and reassigning employees, including supervisory personnel, within the Police Department, and shall supervise the performance of all personnel assigned to the department.
 - (v) The Chief of Police shall be in immediate control of all City property used by the department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders.
 - (vi) The Police Chief and other police officers of the City shall have all the powers and duties of constables except serving and executing civil process. They shall suppress and prevent all disturbances and disorder. They may carry within the commonwealth such weapons as the chief of police shall determine. They may examine all persons abroad whom they have reason to suspect of unlawful design, and may demand of them their business abroad and whither they are going; may disperse any assembly of three or more persons, and may enter any

building to suppress a riot or breach of peace therein. Persons so suspected who do not give a satisfactory account of themselves, persons so assembled and who do not disperse when ordered, and persons making, aiding and abetting in a riot or disturbance may be arrested by the police, and may thereafter be safely kept by imprisonment or otherwise unless released in the manner provided by law, and taken before a district court to be examined and prosecuted.

Section 8.39 Police Chief

(a) Responsibilities as to department.

- (i) The chief of police shall be responsible for the discipline and efficiency of his department and, subject the Mayor, shall have the entire control and management thereof, including all reserve and special police officers and animal control officers when engaged in the service of the city. He shall make such rules and regulations for the proper government of the police department and animal control officers as he may from time to time deem expedient, subject to the approval of the Mayor and the City Council and not repugnant to the laws of the Commonwealth, or any ordinance of the city.

(Rev. Ords. 1973, § 22-3; Ord. No. 428A, § 1, 10-19-87)

(b) Jurisdiction over traffic signals.

- (i) The chief of police shall have complete jurisdiction over all traffic signals in the city.

(Rev. Ords. 1973, § 224)

Cross reference-Traffic signs, signals and markings, § 14-56 et seq.

(c) Vacancies.

- (i) In case of a vacancy in the office of chief of police, or in the absence from duty of the chief, the ranking officer of the police department shall have all the power and perform all the duties of the chief of police.

(Rev. Ords. 1973, § 22-5)

(d) Control and authority over senior captain's duties.

- (i) The duties of the senior captain of the police department shall be prescribed by the chief of police, and the senior captain shall perform such duties under the direction and control of the chief of police. The duties of the senior captain may include but not be limited to the following:
 - 1) Oversees the supervision of patrol functions by the watch commanders on all shifts.

- 2) Assigns working days and overtime for all patrol division officers of rank.
 - 3) Directs the investigation of complaints from and against personnel in the patrol division.
 - 4) Instructs and advises subordinate officers on police patrol procedures.
 - 5) Supervises the carrying out of orders from the chief.
 - 6) Organizes and conducts staff meetings for watch commanders and patrol supervisors.
 - 7) Actively seeks to resolve problems existing within the patrol division.
 - 8) Recommends means of improving department operations to the chief.
 - 9) Recommends awarding commendations to deserving members.
 - 10) Has charge of public relations and information for the department.
- (e) The Mayor shall appoint, subject to approval of the City Council, the deputy chief from the eligible captains in the department.

(Rev. Ords. 1973, § 22-5A; Ord. No. 59, § 1,1-21-85)

[Preempted by Collective Bargaining; repealed by implication]

(f) Reports.

- (i) On the first day of each month, and at all times when especially required, the chief of police shall make a written report to the Mayor of the doings of the police department, and shall annually in the month of January make a written report to the City Council of the condition of the department and its doings for the preceding year, with such recommendations as he may deem desirable.

(Rev. Ords. 1973, § 22-6)[Deletions repealed by implication]

(g) Public Nuisances

- (i) The chief of Police or his designee shall notify the owner of record and, if different and if known, the manager of rental property within this city of any complaints pertaining to the property or the use thereof for the purposes of prostitution, assignation, lewdness, illegal gaming, illegal keeping or sale of alcoholic beverages, or illegal keeping, sale or manufacture of controlled substances. Such notification shall be directed to said owner and/or manager for the purpose of notice to such owners/managers pursuant to the provisions of section 20 of chapter 139 of the general laws of the Commonwealth of Massachusetts.

(Ord. No. 246, 12-26-01)

Section 8.40 Procurement Officer, Chief

- (a) ***Establishment*** - The Mayor shall be the Chief Procurement Officer for the City as provided in the third paragraph of Section 3-2 of the Charter. The Mayor may delegate all or any portion of the powers of Chief Procurement Officer to a subordinate, provided however, no such delegation shall in any way absolve the Mayor from the ultimate responsibility for all procurement activities.
- (b) ***Mode of Appointment, Term of Office*** - The Mayor may appoint deputy Procurement Officers for such terms and under such conditions as the Mayor shall deem to be in the best interests of the City.
- (c) ***Authorities and Responsibilities*** - The Chief Procurement Officer shall be responsible for the procurement of all supplies and services for the City and for the disposal of all surplus supplies and other property, both real and personal belonging to the City as provided in MGL Chapter 30B.

Section 8.41 Public Services, Director

- (a) ***Establishment*** – There shall be a Director of Public Services appointed by the Mayor, subject to the review of the Council as provided in Section 2-10 of the Charter, to serve for a term not to exceed three years. A Director of Public Services shall serve until a successor is appointed and qualified who shall be the head of the Department of Public Services.
- (b) ***Qualifications*** - The Director of Public Services shall be a person especially fitted by education, training and experience to perform the duties of the office. The Director of Public Services shall be a person especially fitted by education, training and experience to perform the duties of the office and shall have had at least five years of progressively responsible experience in public works administration.
- (c) ***Powers and Duties*** - The Director of Public Services shall be responsible to the Mayor for the effective operation of the Department of Public Services.
 - (i) The Director of Public Services shall be responsible for management of all projects generated externally from public services, but involving more than one line division of the department and for the supervision of all matters relating to the department's scope of activities.
 - (ii) The Director of Public Services shall be responsible for maintenance of the disposal area, water pollution control facilities, public highways, bridges, sidewalks, parking lots, parks, playgrounds, recreation and conservation areas, cemeteries, City forests, and public buildings, excluding schools, unless the City meeting, by by-law, includes the same, as well as the maintenance of all City-

owned vehicles except police vehicles. The Director of Public Services shall, with the approval of the Mayor, appoint division chiefs.

- (iii) The Department of Public Services shall be under the direction and control of the Director of Public Services. The Director of Public Services shall perform all duties and shall have the powers formerly imposed and conferred upon the superintendent of highways and sewers, tree warden, water board, superintendent of waterworks, board of park commissioners and surveyor of highways. (Rev. Ords, 1973, § 24-2)
- (iv) The Director of Public Services shall have charge and control of maintenance of the public cemeteries and burial places within the City limits. (Rev. Ords. 1973, § 24-2A)
- (v) The Director of Public Services shall have charge of all specific repairs upon all highways, streets and bridges.

Section 8.42 Purchasing Director

- (a) ***Establishment*** - The shall be a Purchasing Director appointed by the Mayor who may exercise such powers of the Mayor as Chief Procurement Officer for the City as the Mayor may deem necessary, desirable or expedient who shall be the head of the Purchasing Department.
- (b) ***Qualifications*** -The Director of Purchasing shall be a person especially fitted by education, training, and experience to perform the duties of the office. The Director of Purchasing shall be a person especially fitted by education, training, and experience to perform the duties of the office. At the time of appointment the Director of Purchasing shall hold at least a degree in a field appropriately related to business administration or public administration and shall have had at least five years of progressively responsible experience in public or governmental purchasing administration.
- (c) ***Powers and Duties*** – The duties of the Director of Purchasing shall include, but are not to be deemed to be limited to, the following:
 - (i) The Director of Purchasing shall be responsible to the Mayor For the effective operation of the Department of Procurements and Contract Administration, and all of the procurements and contract administration related functions and activities of the City. The Director of Purchasing shall supervise all activities of the Department of Procurements and Contract Administration and shall direct and assign all personnel serving in said department.
 - (ii) Authorize and devise methods and procedures for all purchasing procedures, including those not covered by ordinance or by statute. Procure all construction work and miscellaneous services. Make technical decisions using independent judgment and purchasing knowledge.

- (iii) Request and review price quotations on all materials, supplies and equipment to be purchased by the city. Award contracts to successful bidders, and direct the issuance of purchase orders.
- (iv) Conduct the bidding process, including writing or assisting City Agencies in preparing detailed specifications for items to be purchased; direct the formal advertising of bid invitations; preside at bid openings; analyze bids; award contracts in conformity with ordinances and statutes. Establish the amount for bid bonds, bid deposits, performance bonds, and liability insurance for all contracts.
- (v) Maintain records of all transactions, purchases, contracts, equipment transfers or sales.
- (vi) Develop and maintain working relationships with sources of supply. Interview sales representatives and maintain files for sources of supply for goods, price trends, and other new developments in the field of purchasing and procurement.
- (vii) Dispose of surplus goods and materials by sale or otherwise.
- (viii) Assist all City Agencies in the preparation of all materials required in the solicitation of bids, for construction or other services, including interface with the Department of Labor and Industries of the Commonwealth, publication in the Central Register, insurance, bid deposit and advertising requirements, preparation of all bid documents, contracts and other legal documents and by answering all questions as may be posed by City Agencies with respect to these subjects.

Section 8.43 Recreation Director

- (a) ***Establishment*** - There shall be a Director of Recreation.
- (b) ***Mode of Appointment, Term of Office*** - The Director of Community Services shall appoint, subject to the consent of the Mayor, a Director of Recreation for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Director of Recreation shall provide, conduct and supervise activities at public playgrounds, playfields, indoor recreation centers and recreation areas and facilities excepting Hurd Stadium, and such other places as may from time to time be available to the city for the conduct of such programs. The Director of Recreation, subject to policies adopted by the Parks and Recreation Commission, may conduct such activities on property under the control of the Parks and Recreation Commission, on other public properties with the consent of the agency having authority over such property, and on private properties with the consent of the owners. The Director of Recreation shall have the power to conduct any form of recreation or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.

Section 8.44 Shade Tree Management and Pest Control Superintendent

- (a) ***Establishment*** - There shall be a Superintendent of Shade Tree Management and Pest Control as provided in Chapter 132, Section 13 (MGL).
- (b) ***Mode of Appointment, Term of Office*** - The Director of Public Services shall, with the consent of the Mayor, appoint a Superintendent of Shade Tree Management and Pest Control for a term not to exceed three years. (c. 132, s. 13)
- (c) ***Authorities and Responsibilities*** - The Superintendent of Shade Tree Management and Pest Control shall be responsible for the suppression of the public nuisances named in Section 11 of Chapter 132 (including gypsy and brown tailed moths, tent caterpillars, cankerworms, oriental hag moths, fall webworm, Japanese beetle, and other insects which destroy forest and shade tree foliage. (c. 132, s. 13, see c. 132, generally)

Section 8.45 Veterans Services Director

- (a) ***Establishment*** - The Mayor shall, subject to the review of the City Council as provided in Section 2-10 of the Charter, appoint a Veteran's Services Director as provided in Chapter 115, Section 10 to serve for a term not to exceed three years.
- (b) ***Authorities and Responsibilities*** - The Veteran's Services Director shall furnish information, advice and assistance to veterans' relative to employment, education, medical care, pensions, and other benefits to which they are or may be entitled. (c.115:s.10-14)
- (c) The Veteran's Services Director shall also serve as the burial agent to cause to be properly interred the body of any veteran, adult or child dependent of a veteran to be properly interred as provided in Chapter 115, Section 7 and as veteran's graves officer be responsible to see that every veteran's grave is suitably kept and cared for as provided in Chapter 115, Section.9.

Section 8.46 Weights and Measures Sealer

- (a) **Establishment** – There shall be a Sealer of Weights and Measures as provided in Chapter 98, Sections 34 through 56D.
- (b) **Appointment, Term of Office** – The Director of Municipal Inspections shall, subject to the consent of the Mayor, appoint a Sealer of Weights and Measures for a term not to exceed three years.
- (c) **Authorities and Responsibilities** - The Sealer of Weights and Measures shall test, adjust and seal all devices used for the weighing or measuring of commodities and be responsible for the enforcement of all laws relating to weights and measures.

Section 8.47 Wood and Bark Measurers

- (a) ***Establishment*** - There shall be one or more Measurers of Wood and Bark as provided in General Laws, Chapter 94, Sections 296 to 303.
- (b) ***Mode of Appointment, Term of Office*** - The Mayor shall appoint one or more Measurers of Wood and Bark for a term not to exceed three years.
- (c) ***Authorities and Responsibilities*** - The Measurers of Wood and Bark shall be responsible for the enforcement of the laws relating to the sale of wood and bark within the City as provided in MGL. c. 94:ss. 296 to 303, inclusive.

ARTICLE IX. AIRPORT

(*Ord. No. 329, 12-15-03)

- (a) Unauthorized parking.
 - (i) *Time.* Parking after 8:00 p.m. at Beverly Airport is by authorization only as permitted the Police Department or the Airport Commission.
 - (ii) *Authorized parking defined.* "Authorized parking" shall mean parking within the marked spaces solely for the purpose of access to and egress from motor vehicles by persons utilizing the facilities of the lessees of Beverly Municipal Airport, John Mountain Field.
 - (iii) *Fine.* Offenders of this section shall be subject to a fine not to exceed fifty dollars (\$50.00).

(Rev. Ords. 1973, § 3-6)

ARTICLE X. ANIMALS

(*Ord. No. 329, 12-15-03)

State law references-Animals generally, M.G.L. c. 129; municipal authority to enact ordinance relative to the regulation of dogs, M.G.L. c. 140, § 147A

- (a) Keeping of bees.
 - (i) Upon complaint by any resident of the city with respect to the keeping of bees by a person in the neighborhood in which such complainant lives and following a public hearing on which notice shall have been given, at the complainant's expense, seven (7) days in advance by publication in a local newspaper and by notification by United States mail with postage prepaid, at the complainant's expense, to all abutters and abutting abutters, as shown on the records in the assessor's office, the Animal Inspector shall be empowered to make an order regulating the number and location of hives kept by the person about whom the complaint shall have been made, and violation of such order shall be punishable

by a fine of twenty-five dollars (\$25.00) and each day of a continuing violation to be considered a separate offense.

(Rev. Ords. 1973, § 16-39)

State law reference-Apiaries, M.G.L. c. 128, § 32 et seq.

(b) Stables-License required.

- (i) No person shall hereafter erect, occupy or use for a stable any building for the maintenance of any domestic animal in the city without first obtaining a license therefor from the board of health.

(Rev. Ords. 1973, § 10-6)

(c) Sec. 4B-3. Same-Orders relative to.

- (i) The board of health may make such regulations or orders respecting the drainage, ventilation, number of animals and the storage and handling of manure in any stables as in its judgment the public health requires.

(Rev. Ords. 1973, § 10-7)

(d) DOGS AND CATS

(i) Dog license; when required.

- 1) Whoever owns or keeps a dog which is six (6) months old or over in the city shall annually obtain a license therefor from the city clerk.
- 2) The city clerk shall not grant such license for any dog unless the owner thereof provides the clerk with either a veterinarian's certification that such dog has been vaccinated in accordance with this section or a notarized letter from a veterinarian that a certificate was issued.
- 3) The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather or other suitable material, to which shall be securely attached a tag in a form prescribed by the city clerk, and upon which shall appear the license number for the current year.
- 4) Whoever violates the provisions of this section shall be subject to a fine of twenty-five dollars (\$25.00).
- 5) Any person failing to pay the above fines within the twenty-one (21) days provided will be subject to a five dollar (\$5.00) surcharge in addition to the fine due.

(Ord. No. 148, 12-18-96)

(ii) Disposal of animal waste.

- 1) *Duty to dispose.* It shall be the duty of each person who owns, possesses or controls a dog to remove and dispose of any feces left by his/her dog on any sidewalk, street, park, public area or any private property of another. A copy of this ordinance shall be given to every dog owner when licensing at the time the dog is licensed.
- 2) *Duty to possess means of removal.* No person who owns, possesses or controls such dog shall appear with such dog on any sidewalk, street, park, public area or private property of another without the means of removal of any feces left by such dog.
- 3) *Method of removal and disposal.* For the purpose of this regulation, the means of removal shall be any tool, implement or other device carried for the purpose of picking up and containing such feces, unexposed to said person or the public. Disposal shall be accomplished by transporting such feces to the property of the owner or the dog or to some other place suitable and regularly reserved for the disposal of human feces or specifically reserved for the disposal of canine feces, and so disposing of said feces.
- 4) *Fines for violation.* Fines for violation of this section shall be fifty dollars (\$50.00) for the first offense in a calendar year and fifty dollars (\$50.00) for subsequent offenses in the same calendar year.
- 5) *Exemption for guide dogs.* This section shall not apply to a guide dog accompanying any handicapped person.
- 6) *Severability.* The provisions of this section are severable and if any of the provisions of this section shall be held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the decision of such court shall not effect or impair any of the remaining provisions.

(Ord. No. 148, 12-18-96; Ord. No. 154, 10-5-2006)

(e) Ownership and use of security and guard dogs

- (i) Any dog used primarily for the purpose of securing and protecting real or personal property which is open to public access at any time, shall comply with all the following:
- (ii) Such dog shall be registered with the city clerk in accordance with Massachusetts General Laws, Chapter 140, Section 137 and 137A.
- (iii) Such dog shall be kept within a suitable and closed-in area which at all times shall not be accessible to the public when such property is open to public access or during business hours. Such closed-in area will consist of a fence at least six

(6) feet high with a fence covering and a locked gate and/or within a locked room if in a business establishment.

- (iv) All areas secured or protected by a security or guard dog or dogs shall be posted in such thorough manner as to give adequate notice to the public. (Beware of Guard Dog, etc.)
- (v) No person/business shall harbor a security dog or guard dog unless he has obtained a security dog permit as follows.
 - 1) Such permit will be issued by the city clerk at no fee upon written certification by the Animal Inspector that such business or person has complied with all the guidelines of this section. Such permit may be revoked by the police chief upon evidence of violation of the provisions of this section.
 - 2) The city clerk shall provide the fire chief and police chief with a copy of the security dog kennel permit.
 - 3) The security dog permit shall specify the location at which the dog is licensed to be located and no transfer or relocation of the duly licensed guard/security dog shall be permitted without the approval of the Animal Control Officer.
 - 4) Such permit shall be valid for an indefinite period of time
 - 5) Any business or private resident harboring a security dog shall upon the request of the dog officer or any police officer allow him to enter and inspect the area where such dog is licensed to be harbored.
- (vi) Failure to comply with any subsection of this section will result in a fifty dollar (\$50.00) fine for each day of such violation.

(Ord. No. 148, 12-18-96)

- (f) Vaccination against rabies; revaccination; penalty.
 - (i) Whoever is the owner or keeper of a dog or cat six (6) months of age or older shall cause such dog or cat to be vaccinated against rabies by a licensed veterinarian using a vaccine approved by the department of public health.
 - (ii) Unvaccinated dogs and cats acquired or brought into the city shall be vaccinated within thirty (30) days after acquisition or entry into the city or upon reaching the age of six (6) months, whichever comes later.
 - (iii) Vaccinated dogs and cats shall be revaccinated periodically in accordance with rules and regulations adopted and promulgated by the department of public health of the Commonwealth of Massachusetts.

- (iv) Whosoever violates the provision of this section shall be subject to a fine of fifty dollars (\$50.00).
- (v) Any person failing to pay the above fines within the twenty-one (21) days provided will be subject to a five dollar (\$5.00) surcharge in addition to the fine due. (Ord. No. 148, 12-18-96)

State law reference M.G.L. Ch. 140 § 14sB.

- (g) Prohibited behavior, impounding, release and disposition of dogs.
 - (i) The owner or keeper of a dog, or both, may be prosecuted in a court of law for the following violations of this section and the dog may be impounded:
 - 1) If found without a license when a license is required by law;
 - 2) If found at large elsewhere than in unleashed designated areas as described by written policy of the Beverly Parks and Recreation Commission.
 - 3) For having bitten, injured or physically molested any person;
 - 4) For having bitten or injured any domestic animal;
 - 5) For chasing any vehicle on a public way or on any way open to public traffic in the city;
 - 6) For repeatedly causing a nuisance, such as, but not limited to barking or littering;
 - 7) If found, not muzzled, off the property of its owner or keeper while a muzzling order with respect to it is in effect under section 4-29 herein below;
 - 8) (8) For leaving defecation (a) on a private property other than that of its owner, (b) on a public sidewalk, or (c) on trees or lawns; or
 - 9) If any person owning, harboring, keeping or in charge of any dog, except a Seeing Eye Dog, shall cause, suffer or allow such dog to soil, defile, defecate or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk, or on any public property whatsoever, or on any private property without the permission of the owner of said property.
 - (ii) The owner or keeper may obtain the release of an impounded dog as follows:
 - 1) In the case of a violation of subparagraph (1) herein above, upon obtaining a license as required by law and by payment of a late filing fee;

- 2) In the case of a violation of subparagraphs (2) through (8), inclusive, of paragraph (a) herein above, upon the agreement of the owner or keeper to undertake such restriction or control of the dog as the dog officer shall require;
 - 3) In addition to compliance with subparagraphs (1) and (2) of this paragraph (b), all pound fees and fines, if any, must be paid before the dog is released.
 - 4) No later than two (2) days after the impoundment of any dog, the owner or keeper shall be notified, or if the owner or keeper of the dog is unknown, or, after reasonable efforts, is not contacted, written notice shall then be posted for ten (10) consecutive days on a K-9 bulletin board in the office of the city clerk describing the dog and the place and time of taking.
 - 5) Dogs impounded and unclaimed by the owner or keeper after such a ten (10) day period, shall be disposed of in accordance with the provisions of Mass. Gen. Law Chapter 140, section 151A.
- (h) Dogs shall be permitted in Beaches/Parks of the City of Beverly only as follows:
- (i) From and including Memorial Day to and including Labor Day of each year, leashed dogs will be permitted in Lynch Park (excluding Gardens, playing fields, and playground equipment areas) only between the hours of 6:00 a.m. to 7:30 a.m.
 - (ii) From and including Memorial Day to and including Labor Day of each year, leashed dogs will be permitted in any other City Park (excluding Gardens, playing fields, and playground equipment areas) only between the hours of 7:30 p.m. to 7:30 a.m.
 - (iii) Leashed dogs will be permitted in other special areas designated by written policy of the Beverly Parks and Recreation Commission during the hours designated in said policy.
 - (iv) Unleashed dogs will be permitted in special areas designated by written policy of the Beverly Parks and Recreation Commission during the hours designated in said policy
 - (v) The Beverly Parks and Recreation Commission and the Beverly Police Department shall develop and coordinate an enforcement plan for this Ordinance to insure its effective enforcement.
 - (vi) Annually the Beverly Parks and Recreation Commission shall report to the City Council recommending continuance, discontinuance or changes to this Ordinance.
 - (vii) The Beverly Parks and Recreation Commission shall create a Website in which this Ordinance and all written policies of the Commission relative to

leashed/unleashed dogs are available to the public. Such site will provide for public comment relative to this Ordinance and the written policies of the Beverly Parks and Recreation Commission pertaining to leashed/unleashed dogs.

- (i) (f) Cats impounded and unclaimed by the owner or keeper after a two-day period may be disposed of in accordance with the provisions of Mass. Gen. Law Chapter 140, Section 151A.

(Rev. Ords. 1973, § 16-36; Ord. No. 30, § 1, 7-7-87; Ord. No. 543, 10-15-90; Ord. No. 153, § 1, 12-7-92; Ord. No. 148, 12-18-95; Ord. No. 40, 5-7-2003; Ord. No. 173, 6-4-2003; Ord. No. 112, 5-16-2007)

- (j) License fees.

- (i) (a) Dog licenses expire on March 31 of each year.

(Rev. Ords. 1973, § 13-19; Ord. No. 153, 12-7-92; Ord. No. 1-10-94; Ord. No. 173, 6-4-2003)

- (k) Dogs; restraint required.

- (i) No person owning, harboring or having custody and control of a dog shall permit such dog to be unleashed in the City of Beverly at any time, elsewhere than in unleashed areas as designated by policy of the Beverly Parks and Recreation Commission, elsewhere than on the premises of the owner, except if such dog be on the premises of another person with the knowledge and assent of such person. Further, any person owning, harboring or having custody and control of a dog in the City of Beverly, when such dog is not on the premises of the owner or upon the premises of another person with the knowledge and assent of such person, shall control and restrain such dog by a leash of appropriate length.

- (ii) (b) The Animal Control Officer or Assistant Animal Inspector may take into custody any licensed dog found unleashed within the City of Beverly in violation of the first paragraph of this section. The Animal Control Officer or Assistant Animal Control Officer may then impound said dog at any licensed kennel and notify the owner of the location where the dog may be claimed. The owner shall pay the boarding fee which may have accrued before the kennel shall be obligated to release the dog. If the owner does not claim dog within three (3) days of receipt of notice, the dog constable shall cause a second notice to be sent to the owner by registered mail. If the owner does not claim the dog within the three (3) days of receipt of the second notice, the Animal Control Officer may proceed against the owner for willful abandonment pursuant to Chapter 272 Section 84 of the Massachusetts General Laws.

- (iii) (c) Whoever violates any provision of this section shall be subject to a fine of fifty dollars (\$50.00) for a first offense, seventy-five dollars (\$75.00) for a

second offense and one hundred dollars (\$100.00 for a third or any subsequent offense relating to the same dog. Any dog which has been the subject of four (4) or more violations of this section within one calendar year shall be deemed a nuisance to which the provisions and procedures of G.L. Chapter 140, Section 157 shall apply, and shall be reported as such by the animals control officer to the chief of police for appropriate action under that law.

(d) Any person failing to pay the above fines within the twenty-one (21) days provided will be subject to a fifteen dollars (\$15.00) surcharge in addition to the fine due.

(Ord. No. 153, § 2, 12-7-92; Ord. No. 148, 12-1995; Ord. No. 173, 6-4-2003; Ord. No. 112, 5-16-2007)

(l) Muzzling of dogs.

(i) (a) The Animal Control Officer may order the owner or keeper of a dog to muzzle such dog for either of the following causes:

- 1) For having bitten, injured or physically molested any person;
- 2) For having done substantial injury to any domestic animal;
- 3) The Animal Control Officer may remove an order to muzzle a dog if the owner or keeper thereof satisfies him that the dog is unlikely to repeat its offense.

(Ord. No. 153, § 3, 12-7-92)

Editor's note-Ord. No. 153, § 3, adopted Dec. 7, 1992, did not specifically amend the Code, hence, its inclusion herein as §4B-29 was at the discretion of the editor.

(m) Penalty.

(i) Violations of this section cause the owner or keeper of such dog to be penalized by a fine of fifteen dollars (\$15.00) for the first such violation, twenty-five (\$25.00) for the second and third such violations, and fifty dollars (\$50.00) for each of any subsequent violations.

ARTICLE XI. BUILDINGS AND BUILDING REGULATIONS

*Editor's note-The state building code and the applicable code of Massachusetts regulations govern the construction, alteration, repair, maintenance, removal and demolition of buildings and structures in the city.

State law reference-Local regulation of buildings, M.G.L. c. 143, § 3.

Section 11.01 Storage

- (a) No storage container or bulk transportation device shall be stored or parked on a premises without a permit from the Director of Municipal Inspections, who may issue permits for the storage of a maximum of two (2) such containers/devices on a premises for a period not to exceed thirty (30) calendar days. Permits for the siting of storage containers or bulk transportation devices for longer than thirty (30) calendar days but no more than ninety (90) calendar days may be issued by the Beverly City Council. Each such device shall require a permit, and no more than two (2) permits of any duration may be issued to any premises annually.

(Ord. No. 389, § 1, 11-17-86; Ord. No. 90, 3-5-93; Ord. No. 188, 4-5-93; Ord. No. 511, 11-15-93; Ord. No. 42, 1-23-99; Ord. No. 362, 11-22-2000; 193, 6-10-2004)

Section 11.02 Numbering of structures.

- (a) All houses, businesses, and other buildings within the city shall be conspicuously numbered, so as to indicate the number of that house, business, or other building upon the street it fronts upon.
- (b) It shall be the duty of every owner and/or occupant of each house, building, and/or structure within the city to place thereon the number of the house, building, or structure.
- (c) The size, color, location, and visibility of the numbers shall be as follows:
 - (i) The minimum height of such number shall be three and one-half (3 1/2") inches in height.
 - (ii) In order to be visible from the road, street, or way, the number shall be of a contrasting color.
 - (iii) The numbers shall be affixed to the front door or as close to the front door as possible.
 - (iv) Where there are multiple houses, buildings, or structures located off the road on private ways, private roads, or private lanes, the numbers shall be placed at the following locations:
 - 1) The numbers shall be affixed to a post at the entrance to said private way, private road, or private lane.
 - 2) If the house, building, or structure is so far off the private way causing the numbers to be unidentifiable from the private way, then a post with the numbers affixed thereto shall be placed at the entrance of the driveway leading to the house, building or structure.
 - 3) The penalty for violation of this section shall follows:

- a) The issuance of a notice, citation, or complaint may be done by any police officer, code enforcement officer or the board of health.
- b) Any person found guilty of an infraction of this section shall be fined up to fifty dollars (\$50.00) a day.
- c) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Rev. Ords. 1973, § 16-42)

State law reference-Municipal authority to enact ordinances to require the numbering of buildings, M.G.L. c. 40, § 21(10).

ARTICLE XII. ELECTRICITY

State law references-Telephone and telegraph companies, M.G.L. c. 166, §§ 1 - 20; wires and poles, M.G.L. c. 166, §§ 21-2.

Section 12.01 Prohibitions and Regulations

- (a) Plans for locations to be filed with city clerk.
 - (i) Any person that petitions for location of electric or other wires, poles, ducts, conduits or manholes upon, over, through or under any public ways or over any building shall, when such petition is filed in the office of the city clerk, also file a plan showing the street and number or if there is no number the exact proposed location of such electric or other wires, poles, ducts, conduits or manholes, upon, over, through or under any public way or over any building in the city.

(Rev. Ords. 1973, § 7-24)

- (b) Permit from City Council for erection of posts and poles.
 - (i) No telegraph, telephone or electric light company or any other corporation or person shall erect any post or poles to support wires or lines for the transmission of electricity in any public way or grounds, except by order of the City Council, previously obtained, which shall set forth the exact location of such post or pole proposed to be erected.

(Rev. Ords. 1973, § 7-25)

- (c) Acceptance of location of poles, conduits or fixtures.
 - (i) Whenever permission shall be granted by the City Council to erect and maintain poles, or to construct conduits or other fixtures in the public ways, bridges or grounds, to support or carry lines, telephone wires or for the transmission of electricity, the person to whom such permission is granted shall, within thirty

(30) days from the date of the order granting such permission, file in the office of the city clerk, a written acceptance of the location of such poles, conduits or other fixtures, and the conditions upon which the permission has been granted, and in default thereof such grant shall be null and void.

- (ii) Such person may, however, at his election, file in the office of the city clerk a general acceptance of the location of poles, conduits or other fixtures, and conditions upon which permission may be granted by the City Council from time to time to the person, and such acceptance shall constitute an acceptance of each of such orders, unless such person shall advise the city clerk in writing within thirty (30) days from the date of the order, of his refusal to accept the locations and conditions of a specific order.

(Rev. Ords. 1973, § 7-26)

- (d) Removal of conduits and wires when required by city work; at owner's expense.
 - (i) Whenever the city shall construct, enlarge, relocate, repair or alter the streets, ways or bridges, or the sewers, water pipes or other public works, in such streets, ways and bridges where conduits and wires are laid, which conduits and wires in the opinion of the City Council should be removed or changed in respect to their location, such removal or change shall be made without delay at the expense of the person owning or operating the same.

(Rev. Ords. 1973, § 7-27)

- (e) Permit from city electrician for attaching wires to trees, buildings, erections or fixtures.
 - (i) No wire or line for the transmission of electricity for any purpose shall be attached to any tree, building, erection or fixture of any kind, in any public way or grounds by cross-arms or otherwise, except by permission in writing of the city electrician, previously obtained, in which such tree, building, erection or fixture shall be described.

(Rev. Ords. 1973, § 7-28)

- (f) Hearing on petitions.
 - (i) Every petition presented to the City Council for permission to erect posts to support wires or lines, or to attach wires or lines to trees or other fixtures, for the transmission of electricity for any purpose, shall be accompanied with or contain a statement of the exact location of each post proposed to be located, and of each tree, fixture or building to which it is desired to attach such wires or lines. The City Council, or in its discretion a committee thereof, shall give a hearing on every petition to all parties interested, except as to the attachment of wires and lines to fixtures other than trees. Notice of such hearing shall be given by the city clerk at the expense of the petitioners to all persons owning or occupying

land along the line of the proposed location. Notice shall state briefly the streets or ways, and parts thereof, and the lands to which such petition relates, and shall be served by leaving an attested copy thereof at the last and usual place of abode or business of each person, or by sending the same through the mail postpaid and directed to each such person. Such further notice shall be given to any parties interested as the City Council may direct.

(Rev. Ords. 1973, § 7-29)

State law reference-Written petition required to City Council for permission to construct lines affecting public ways and public hearings thereon, M.G.L. c. 166, §§ 22, 22A.

(g) Quality and height of posts and poles.

- (i) None but sound, reasonably straight, well-formed posts, smooth and free from decay, of quality satisfactory to the city electrician, shall be erected and maintained in any public way, bridge or grounds. Wooden poles shall be of chestnut, cedar or hard pine, shall be not less than twenty-five (25) feet above the ground and shall be set to a depth not less than five (5) feet, and, on corners or dead ends where impracticable to guy, shall be set in concrete or keyed, and the name of the company, corporation or person owning the pole and the number thereof shall be distinctly attached thereto by means of a metal tag.

(Rev. Ords. 1973, § 7-30)

(h) Manner of setting posts; painting.

- (i) All posts erected and maintained in the public ways for the support of wires and other lines for transmission of electricity shall as nearly as practicable be set and maintained in a perpendicular position, of as uniform height as practicable, and in line with the street or way, and shall be kept properly painted by the owners thereof, in such colors and manner as the city electrician may from time to time direct.

(Rev. Ords. 1973, § 7-31)

(i) Removal of abandoned poles and wires.

- (i) When poles have been abandoned by the owners thereof, they shall remove them, unless it is positively known that they will again use them within ninety (90) days. Wires owned by others on such poles shall be removed unless the owners of such wires assume the ownership of such poles, the same to be transferred to them by the original owner by grant of the City Council.

(Rev. Ords. 1973, § 7-32)

(j) Time of bringing new poles on street and removal of old poles.

- (i) Except by permission of the city electrician, new poles shall not be brought on any street more than two (2) days in advance of the time they are to be set, and when old poles are taken down, they shall be removed from the street on the same day.

(Rev. Ords. 1973, § 7-33)

(k) Manner of replacing poles.

- (i) When renewing poles, the butt of the old pole shall be removed and the new pole set in the identical or adjacent location, and the surface of the ground around the pole shall be leveled off, filled in with material of the same kind as the ground around the pole and left clear of all material and rubbish. When removing or relocating poles that are set in the curblin so that a space is left open in or between the existing curb, such shall be refilled with cement or concrete, or with granite curbing if the Director of Public Services so requires.

(Rev. Ords. 1973, § 7-34)

(l) Height of wires.

- (i) Except by permission of the City Council, no wire or other line for the transmission of electricity, except service wires and loops to buildings, shall be attached to any post or tree or other fixture nor run along any public way or street at a height less than twenty (20) feet from the ground, and except by written permission from the city electrician, no post more than forty (40) feet above the ground shall be erected for the support of such wires and lines. Except by written permission from the city electrician, all wires from poles to buildings where crossing the street shall be at a height of not less than twenty (20) feet from the ground.

(Rev. Ords. 1973, § 7-36)

(m) Submission of plans for underground conduits to City Council.

- (i) Persons conducting a telegraph, telephone, electric light or power business may construct and maintain underground conduits for cables and wires, together with manholes and house connections, and erect and maintain distributing poles at the termini of conduits, at suitable distributing points, in such streets, in such manner, of such shape, size and material, and under such regulations as the City Council shall hereafter designate upon application. The application shall be accompanied by a plan showing the exact location of such conduits, manholes and poles. The City Council shall grant a hearing on the application in the manner provided in section 7-66.

(Rev. Ords. 1973, § 7-37)

(n) Permit for change of underground conduits.

- (i) Whenever underground conduits have once been laid in the streets and ways of the city, they shall not be removed, relocated or changed without permission from the City Council.

(Rev. Ords. 1973, § 7-38)

- (o) Permission to tear up streets; restoration.

- (i) No street, way or bridge shall be torn up or disturbed for the purpose of laying lines, wires or conduits or erecting, altering or removing posts, poles or other fixtures used for carrying electric lines or wires without a permit first obtained from the City Council, indicating the time, manner and place of disturbance and the conditions under which such is permitted. No street, way or bridge shall be torn up or disturbed for the purpose of repairing, changing or removing lines, wires or conduits without a permit in writing first obtained therefor from the Director of Public Services. Whenever any opening or any disturbance is made in any street, way or bridge it shall be promptly restored by the person owning or operating the lines or wires to as good a condition as it was in before such disturbance or opening, in a manner satisfactory to the Director of Public Services. The portion of a street, way or bridge so opened or disturbed shall be kept in and maintained in such condition by such person for one (1) year thereafter, and if not immediately so restored, kept and maintained, the same may be done by the city at the expense of such person without previous notice of the intention to do so. (Rev. Ords. 1973, § 7-39)

- (p) Reservations on poles for signaling systems; permits for brackets or side fixtures; setting close to curblines; distance from hydrants.

- (i) One (1) space on all poles in public streets or ways shall be reserved for fire alarm, police signal or other signaling systems belonging to the city, and used exclusively for municipal purposes. No line or wire shall be attached to any pole or post by means of brackets or other side fixtures except by written permission of the city electrician. On streets where curbstones are set, all poles shall be erected in the sidewalks as close as possible to the inside of the curblines, and where there are no curbstones erected, the curbline must be established before setting the poles. No pole shall be set within ten (10) feet of any hydrant.

(Rev. Ords. 1973, § 7-40)

- (q) Reservation of space in underground conduits for city signal wires.

- (i) In any underground conduit system such sufficient and necessary space as shall be determined by the City Council shall be reserved free of expense to the City for the use of fire, police and other telegraph and telephone signal wires belonging to the city, and used exclusively for municipal purposes; and the city, by its city electrician and other proper servants, shall be allowed access to the conduits at all times, and the city shall be allowed equal facilities and privileges

with others using the same conduits in putting in, taking out and repairing wires.
(Rev. Ords. 1973, § 7-41)

(r) Bond of person constructing electrical lines.

- (i) Every person constructing, maintaining or operating a telegraph, telephone or other electrical line in the city shall execute a bond, with surety satisfactory to the Mayor, in a penal sum not less than ten thousand dollars (\$10,000.00), conditioned to indemnify and save harmless the city against all damage, cost, expense and loss whatsoever to which it may be subjected in consequence of the negligence of such persons, their agents, officers and servants in any manner arising from or growing out of the use and transmission of electricity, the privileges permitted by the city, and the construction, maintenance, operation and the use of lines, wires, cables, conduits, posts, poles, structures, constructions, fixtures and apparatus. The bond shall also be conditioned to fulfill all agreements with the city, all the lawful orders, conditions and obligations imposed by the City Council, and all obligations and duties required by law. A new bond of like import and with new surety may at any time be required by the city, which new bond shall be a strengthening bond, unless the surety on former bonds is expressly released from further liability by vote of the City Council.

(Rev. Ords. 1973, § 7-42)f

(s) Trees not to be damaged.

- (i) No electric light, telephone or telegraph company shall destroy, cut, trim or mutilate any of the trees located on any of the thoroughfares or public grounds of the city, except by written permission of the City Arborist, or allow the insulation to become dangerous or to injure trees on any of the thoroughfares or public grounds of the city.

(Rev. Ords. 1973, § 7-43)

(t) Interference with television, radio and other communication circuits.

- (i) No person shall knowingly or wantonly operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever within the city between the hours of 8:00 a.m. and 12:00 midnight, the operation of which shall cause reasonably preventable electrical interference with television, radio and other communication circuits reception, within the municipal limits; provided, however, that X-ray pictures, examinations or treatments may be made at any time if the machines or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with television, radio and other communication circuits reception and are not negligently operated. This section shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or

device is licensed or authorized by or under the provisions of any act of the Congress of the United States. The city electrician and his duly authorized assistants shall have the right to enter upon any premises at all reasonable hours for the purpose of inspecting the installation and working of all apparatus coming within the terms of this section and it shall be unlawful for any person to interfere with the city electrician or his duly authorized assistants in making such inspection or to refuse to permit him or them to enter the premises for such purposes. (Rev. Ords. 1973, § 7-44)

(u) Permit required for outside antenna for radio, television, etc.

- (i) No person shall set up, install or maintain any outside antenna system for the purpose of operating television, radio or any other similar communications equipment without first having obtained therefor a written permit from the city electrician.

(Rev. Ords. 1973, § 7-45)

ARTICLE XIII. FIRE PREVENTION AND PROTECTION

State law references-Fires, fire departments and fire districts, M.G.L. c. 48; fire prevention generally, M.G.L. c. 148.

- (a) Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:
 - (i) *Captain* means the captain of the fire department in charge of the fire prevention bureau within the fire department.
 - (ii) *Head of the fire department* means the chief executive officer of the fire department. Any authority conferred upon the head of the fire department under this chapter may be delegated to such members of the fire department as the head of the fire department shall designate.
 - (iii) *License* means permission granted by the licensing authority to keep, store, use, manufacture or sell at specified locations materials which produce conditions hazardous to life or property.
 - (iv) *Licensing authority* means the City Council

(Rev. Ords. 1973, § 9-1)

(b) False alarm.

- (i) No person shall intentionally raise or sound a false alarm of fire.

(Rev. Ords. 1973, § 9-7)

State law reference-False alarms, M.G.L. c. 269,§ 13.

- (c) Interference with or defacing signal boxes or fire alarm telegraph.
 - (i) No person shall open any of the signal boxes connected with the fire alarm telegraph, except in case of fire, or interfere in any way with such boxes by breaking, cutting, injuring or defacing same, or tampering or meddling with such boxes or any part thereof; nor shall any person interfere with the poles by which wires of the fire alarm telegraph are supported, by breaking, cutting, injuring or defacing the same, or by posting placards or bills upon them, or in any other manner. (Rev. Ords. 1973, § 9-8)

State law references-Injury to fire alarm apparatus, M.G.L. c. 266, §§ 11, 12; interfering with fire signal system, M G.L. c 268,§ 32.

- (d) Demolition of buildings
 - (i) Whenever it shall be determined at any fire, by the fire chief, deputy chief or other officer of the fire department in command, to be necessary to pull down or demolish any buildings in order to prevent the spreading of fire, the same may be done by his order in accordance with statutes in such case made and provided.

(Rev. Ords. 1973, § 9-9)

State law references-Demolition to prevent the spread of fires, M.G.L. c. 48, §§ 3 - 5; burnt or dangerous buildings as nuisances, M.G.L. c. 139, §§ 1 - 3.

- (e) Drawing water from hydrants or reservoir.
 - (i) No person except the Director of Public Services, the chief of the fire department, or their designees, shall draw water from the reservoir or hydrants, except in case of fire.

(Rev. Ords. 1973, § 9-10)

- (f) Driving over fire hose.
 - (i) No person shall drive any vehicle upon or over any hose placed in any street by order of any officer of the fire department without the consent of some officer of the department.

(Rev. Ords. 1973, § 9-11)

State law reference-Driving over fire hose. M G.L. c. 89,§ 7A.

- (g) Self-service gasoline stations.

- 1) Self-service gasoline stations with an area of at least fifteen thousand (15,000) square feet of land, with a minimum frontage of one hundred fifty (150) feet shall maintain not more than four (4) islands, each island to be not over seventeen (17) feet in length, with a total of not over eight (8) dual pumps.
- 2) Self-service gasoline stations with an area of at least ten thousand (10,000) square feet of land, with a minimum frontage of at least one hundred (100) feet, shall maintain not more than three (3) islands, each island to be not more than seventeen (17) feet in length, with a total of not more than six (6) dual pumps.
- 3) Self-service gasoline stations with an area of at least nine thousand five hundred (9,500) square feet of land, with a minimum frontage of at least eighty-five (85) feet, shall maintain not more than two (2) islands, each island to be not more than seventeen (17) feet in length, with a total of not more than four (4) dual pumps.
- 4) No station shall have more than eight (8) dual gasoline dispensing pumps, as approved by the fire chief.
- 5) No island shall maintain more than two (2) dual pumps.
- 6) No island shall be more than seventeen (17) feet in length.
- 7) Only the tanks of motor vehicles and approved containers shall be filled with gasoline.
- 8) No one without a driver's license shall fill a vehicle. There shall be one (1) employee per eight (8) nozzles in operation.
- 9) The operator of the console must be eighteen (18) years of age or over.
- 10) All retail operations shall be subject to all city and state license and inspection requirements.
- 11) "No smoking" signs shall be posted.
- 12) Trucks, trailers and campers shall be filled in one (1) specific location, and signs shall be posted showing this location.
- 13) The zones of fire protection, in addition to being shown on the installation drawings, shall be outlined on the station filling area, by the owners or building contractor, by paint or other acceptable visual means, so that the station operator will know when a vehicle is within the protected zone.
- 14) The station operator (attendant) shall not allow gasoline to be pumped if a vehicle is not within the protected zone.

- 15) In addition to automatic operation, systems must be equipped with a manual release, either mechanical or electrical, or both. If more than one (1) release is employed, they must be clearly marked to indicate which system they control.
- 16) Pumps shall be interconnected with the fire protection system so that they automatically shut down in the event of system discharge.
- 17) The owner shall post suitable instruction, and he shall ensure that all operators understand them.
- 18) A test of the system shall be conducted by the installing contractor and witnessed by a representative of the local fire department. This test shall demonstrate that the system is in complete working order and installed in accordance with the approved plans.
- 19) Operation of the fire protection system shall cause an audible and/or visible alarm to activate.
- 20) Hours of operation for both full-service and self-service gas stations will be subject to approval by the City Council, which approval will not be unreasonably withheld.
- 21) Full-service gasoline stations duly licensed by the city and operating as of May 1, 1985, may convert to self-service gasoline stations upon the approval of the fire chief, the Director of Municipal Inspections and the director of public health and upon the final approval of the City Council, subject to any terms or conditions that the City Council may require. Upon approval as provided above, an entry shall be made upon such gasoline station's license indicating its allowance as a self-service gasoline station, together with any conditions mandated by the City Council.

(Rev. Ords. 1973, § 9-13; Ord. No. 173, 3-19-90; Ord. No. 510, 11-5-92)

- (h) Petroleum storage license; besting, removal of tanks.
 - (i) The application for of a petroleum storage license shall contain the following information:
 - 1) Plot plan showing the location, size, material, and age of all petroleum storage tanks situated on the premises which have been or will be filed with the fire department.
 - 2) Notification of the fire department of all changes.
 - 3) Total amount of storage:

a) a. Aboveground _____ gallons. b. Underground
_____gallons

- 4) Names and addresses of all suppliers of petroleum products making deliveries to the licensee.
 - 5) Whether or not all petroleum storage tanks are in continuous use.
 - 6) Whether or not the fire department has been notified of the non-use of petroleum storage tanks.
 - 7) All underground petroleum storage tanks which have been in service for twenty (20) years shall be tested by a Kenmore test or a semi-par test approved by the fire chief. The tanks shall also be tested every five (5) years thereafter. Failure to pass the test shall be cause for the fire chief to order the tanks replaced.
 - 8) Whenever a petroleum storage license has not been exercised for more than six (6) days, the licensee shall notify the fire department per Code of Mass. Regulation 527, C.M.R. 9:10(12), 10:12.
 - 9) If a petroleum storage license has not been exercised during the previous year, the fire chief shall order the petroleum storage tank removed. A removal permit shall be obtained from the fire department before a petroleum storage tank may be removed.
 - 10) Upon receipt of a completed application, the Fire Department shall inspect the premises and storage tanks and make recommendation to the City Council which shall approve or disapprove of the license.
 - 11) (e) Renewal of a petroleum storage license which has not been exercised during the previous year shall be at the discretion of the City Council. (Rev. Ords. 1973, § 9-15)
- (i) Clerical assistants
- (i) There shall be one (1) clerical assistant assigned to the fire department who may be classified as clerk-typist, senior clerk-typist, or principal clerk, as the case may be, whose duties shall consist of clerical work only.

(Rev. Ords 1973, § 8-1A)

- (j) Appointment of chief and deputy chiefs; terms.

- (i) The appointment of the chief and the deputy chiefs shall be made by the Mayor, and confirmed by the City Council, subject to the civil service laws of the state

(Rev Ords. 1973, § 8-2)

(k) Appointment of other members

- (i) All other members of the fire department shall be recommended by the chief, and shall be appointed by the Mayor and confirmed by the City Council, subject to the laws relating to civil service.

(Rev. Ords. 1973, § 8-3)

(l) Fire department mechanic

- 1) The Mayor, subject to the confirmation of the City Council, shall appoint one (1) fire department mechanic, whose duties shall consist of automotive equipment repairs and maintenance of the fire department equipment. The mechanic shall work under the control and direction of the fire chief. The fire department mechanic shall be entitled to all of the benefits afforded to the city hall employees, including, but not limited to, the following benefits: medical insurance, life insurance, pension plan, vacation time, personal days, holidays and sick days. However, there shall be a clothing allowance of two hundred ninety dollars (\$290.00) per year for uniforms. This position shall not be subject to Chapter 31 of the Massachusetts General Laws.

(Ord. No. 39B, 3-20-89)

(m) Chief in command at fires; command prior to arrival of chief.

- (i) The chief of the fire department shall have sole and absolute control and command of all the other members of the department and all other persons present at fires. The officer in command of the company which first arrives at a fire shall be the officer in command until the chief or a deputy chief arrives.

(Rev. Ords. 1973, § 8-4)

(n) Deputy to act in absence of chief.

- 1) In the absence of the chief of the fire department, or in case of his inability to act, his duties and powers as herein provided shall be vested in one (1) of the deputy chiefs selected by the chief.

(Rev. Ords. 1973, § 8-5)

(o) Duties of chief-Generally.

- (i) The chief of the fire department shall be responsible for the discipline and efficiency of his department and shall have the entire control and management thereof. He shall make such rules and regulations for the proper government of the department as he may from time to time deem expedient subject to the approval of the Mayor and City Council and in conformance with the laws of the Commonwealth and ordinances of the city.

(Rev. Ords. 1973, § 8-6)

(p) Same-Relative to fire department and fire apparatus.

- (i) The chief shall file, on a monthly basis, a detailed and written report to the committee on public service and aid on the following:
 - 1) A log of time spent by the mechanic on fire apparatus. Detail must be provided specifying the nature of work and to which vehicle the time was applied. Time is to be differentiated between regular and overtime hours.
 - 2) Any work not performed by the mechanic, but by an outside contractor. Specific detail is to be provided as to the nature and cost.
 - 3) A listing of materials, parts, etc., purchased to effect the work in (1) above.
 - 4) The chief shall file, annually, on or about the thirtieth of June of each year, a detailed and written report to the committee on public service and aid outlining the present condition and repairs necessary, if any, for all fire vehicle apparatus (Ord. No. 39A, §§ 1, 2, 2-21-89)

(q) Chief in charge of buildings, etc.; purchases.

- (i) The chief of the fire department shall have the superintendence and control of the engines and hose house and other buildings used for the department, of the furniture therein and of the engines and apparatus and other property pertaining to the department, and shall have charge of the ordinary repairs thereof. All materials and supplies required for the department shall be purchased in accordance through the Purchasing Department as required by law., and shall first be referred to and approved by the standing committee on public service and aid [and by Planning and Construction Committee per Charter Section 5-6].

(Rev. Ords. 1973, § 8-7)

(r) Chief to make rules and regulations.

- (i) The chief of the fire department shall make such rules and regulations for the proper government of the department as he may from time to time deem expedient, subject to the approval of the Mayor and the City Council and not repugnant to the laws of the Commonwealth or any ordinance of the city.

(Rev. Ords. 1973, § 8~11)

(s) Use of apparatus outside city.

- (i) No fire department apparatus shall be taken from the city without special permission of the chief of the fire department or ranking officer in charge of the

department and in all cases such apparatus shall be returned to the city as soon as practicable.

(Rev. Ords. 1973, § 8-18)

State law reference-Authority of fire department to respond to call for aid from other cities, M.G.L. c. 48, § 59A.

Section 13.02 Fire Alarm Systems

- (a) Title. The city ordinances are hereby amended by adding the following article to be entitled "Fire Alarm Systems".

(Ord. No. 248, § 2,12-16-91)

- (b) Definitions: When used in this article, unless a contrary intention clearly appears, the following word shall have the following meanings:
- (i) *Central station operating company (CSOC)* means a company equipped to receive a fire alarm signal from each of its customers and which then notifies the Beverly Fire Department (BFD) by telephone of the location and nature of any such alarm the CSOC receives.
 - (ii) *Fire alarm system* means any heat-activated, smoke-activated, flame-activated, sprinkler-activated or other such automatic device capable of transmitting a fire alarm signal to either a CSOC or directly to the BFD by way of a master box, or sounds only on the premises being protected.
 - (iii) *Fire alarm system malfunction* means the transmittal of a fire alarm signal to a CSOC directly to the BFD by way of a master box or by way of a telephone call from the occupant; which alarm is caused by improper installation of a fire alarm system, a mechanically defective fire alarm system, lack of maintenance or some other reasons that cause the fire alarm system to sound even though there is no actual fire emergency or situation that reasonably could evolve into a fire.
 - (iv) *Fire alarm system owner* means an individual or entity who owns the title to and/or has on his business or residential premises a fire alarm system equipped to send a fire alarm signal to a CSOC or directly to the Beverly Fire Department by way of a master box.
 - (v) *Fire chief* means the chief of the Beverly Fire Department.
 - (vi) *Local alarm system* means one that is activated by smoke, heat or other device, which sounds an alarm only on the property being protected. The alarm must be transmitted to the Beverly Fire Department via telephone.

- (vii) *Master box* means a connection to the municipal fire alarm system used to transmit an alarm of fire to the Beverly Fire Department communications center.
- (viii) *Master box owner* means an individual or entity who has on his business or residential premises a fire alarm system equipped to send a fire alarm signal directly to the BFD by way of a master box.
- (ix) *Sprinkler system* means one designed for fire protection purposes, is an integrated system of piping equipped with sprinkler heads which are activated by heat from a fire and dispense water over the protected area.
- (x) *Telephone dialer* means a tape dialer or similar automatic telephone device which will transmit an alarm message to a designated telephone line of the BFD.

(Ord. No. 248, § 3,12-1~91)

(c) Installation.

- (i) Before any fire alarm system is connected to the BFD, the master box owner shall provide the fire chief with the following information:
 - 1) The name, address, and home and work telephone numbers of the master box owner;
 - 2) The street address where the master box is located;
 - 3) The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box;
 - 4) The names, addresses and home and work telephone numbers of at least two (2) persons other than the owner who can be contacted twenty-four (24) hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located; and
 - 5) Such other information as the fire chief may require.

(Ord. No. 248, § 4, 12-16-91)

(d) Updating information.

- (i) Every master box owner shall be responsible for updating the information herein required to be provided to the chief. If the information provided changes, the master box owner shall provide the fire chief with the updated information.

(Ord. No. 248, § 6, 12-16-91)

(e) Fire alarm system malfunctions; fines.

- (i) If there is a fire alarm system malfunction or malicious false alarm, as herein defined, the fire chief may assess a fine against a fire alarm system owner for each malfunction or false alarm per calendar year according to the following schedule. For the purpose of this section "malicious false alarm" is defined as "the intentional activation of a fire alarm system not resulting from an actual fire or emergency."
- (ii) Malicious false alarm - First time and every time thereafter \$150.00
- (iii) Private fire alarm systems connected to the Beverly Fire Department by telephone dialer or through retransmission from a central station operating company shall be subject to the above conditions.
- (iv) Any false fire alarm which is the result of the failure of the property owner, occupant or their agents to notify the Beverly Fire Department of repair, maintenance or testing of the internal fire alarm system within the protected premises, shall cause a penalty to be assessed in accordance with subsection (1) above.
- (v) For the purposes of this article, a fire alarm malfunction shall be defined as follows:
 - 1) The operation of a faulty smoke or heat detection device.
 - 2) Faulty control panel or associated equipment.
 - 3) A water pressure surge in automatic sprinkler equipment.
 - 4) Accidental operation of an automatic sprinkler system.
 - 5) An action by an employee of the owner or occupant of the protected premises or a contractor employed by the owner or the occupant, causing accidental activation of the internal fire alarm system.
 - 6) Property owners will be billed once a month for the previous month's malfunction activity. All fines assessed shall be paid to the Beverly Fire Department for deposit in the general fund.
 - 7) If the bill is not paid within thirty (30) days, a second notice will be sent; if the bill is not paid after another thirty-day period, a final notice will be sent informing the owner and/or occupant that court proceedings will commence.

(Ord. No. 248, § 6, 12-16-91)

- (f) Appeal procedure.
 - (i) Any fire alarm system owner who is aggrieved by an action taken by the fire chief under this article may, within ten (10) days of the receipt of the bill or

notice of fine, file an appeal, in writing, to the City Council, City of Beverly. After notice the City Council shall hold a hearing, after which it shall issue a decision in which it affirms, annuls or modifies the action taken by the fire chief, giving its reasons therefor in writing. The City Council shall send its decision to the owner by first class mail within ten (10) days after the hearing. The decision of the board shall be a final administrative decision. The owner shall have thirty (30) days from the date of the written decision to seek judicial review in the Essex County Superior Court.

(Ord. No. 248, § 7,12-16-91)

(g) Sec. 8-57. Regulations and enforcement.

(i) The fire chief may promulgate such regulations as may be necessary to implement this article. The fire chief is authorized to pursue such legal action as may be necessary to enforce this article. (Ord. No. 248, § 8,12-16-91)

(h) 58. Deposit in the general fund.

(i) All fines assessed herein shall be payable to the Beverly Fire Department for deposit in the general fund.

(Ord. No. 248, § 9,12-16-91)

ARTICLE XIV. SOLID WASTE

Section 14.01 Dumpster Regulations

(a) Dumpster regulations for the storage and transportation of garbage, rubbish or other substances are established as follows:

(i) *Location generally.* Each dumpster must be located at a minimum distance of ten (10) feet from the lot line as not to interfere with the safety, convenience or health of abutters or residents.

(ii) *Obstruction of traffic flow.* Each dumpster must be situated so as not to obstruct the flow of traffic.

(iii) *Enclosures, screening, etc.* When deemed necessary by the board of health, it may be required that a dumpster site be enclosed or screened/shielded by the property owners or authorized agent.

(iv) *Hours of filling.* Dumpster is not to be filled between the hours of 11:00 p.m. and 7:00 a.m. in residentially zoned areas nor after the close of the business day for all types of business properties. All lids are to be closed and made secure when dumpster is not in use.

(v) Capacity size; overflow contents.

- 1) Each dumpster shall be of sufficient size and capacity to eliminate overflowing. Routine weekly scheduled pickups shall be mandatory for apartment buildings.
- (vi) The property owners, tenant, occupant or authorized agent of the premises utilizing the services must notify the contractor at least twenty-four (24) hours in advance for an additional call-in for pickup which may be necessary to prevent overflowing.
- (vii) Whenever and for whatever reasons deemed necessary including repeated violations, the board of health may order dumpster capacity size changed and/or additional pickups.
- (viii) The property owner, tenant, occupant or authorized agent utilizing a dumpster service must make known to the board of health the name and telephone number of person responsible for maintaining dumpster and dumpster area and notifying contractor to empty contents when full. Any changes in name of person(s) shall be reported to the board of health forthwith.

Section 14.02 Construction/alteration projects.

- (a) Any person(s) maintaining a dumpster on private property for purposes other than for domestic rubbish (i.e.: construction debris such as, but not limited to, brick, earth, plaster, lathing, roofing materials, siding, lumber, plumbing fixtures) shall keep such dumpster(s) off all public ways including city sidewalks.
- (b) No dumpster used for construction/alteration projects in residential areas shall be in use for more than a thirty-day period without written approval of the board of health.
- (c) *Dumpster permit required, fee.* The property owner, tenant, occupant or authorized agent responsible for maintaining the dumpster service is required to have a permit from the board of health for each dumpster. This fee shall not apply to any homeowner using a dumpster under the provisions of subsection (6)b. herein. The responsible party shall apply for permit by filing an application at the board of health office and the information shall include owner's address, telephone number, address of property being serviced, the name and telephone number of the contact person in charge at the property site and any other information deemed necessary by the board of health. All permits shall expire December 31 of every year and may be renewed annually on application as provided.
- (d) *Permit required for dumpster service; fee.* No contractor, firm or person shall supply a dumpster service in the city for the purpose of storage removal or transporting of garbage, rubbish or other offensive substances as well as rubbish, trash, debris and other material including scrap without first obtaining a permit from the board of health. All permits shall expire on December 31 of every year and may be renewed annually on application as provided. Notwithstanding the

provisions that may be in conflict with the Massachusetts General Laws, the revised ordinances of the city and the charter of the city, this fee schedule shall be binding upon all parties concerned.

- (e) Maintenance; dumpster pads.
- (f) It shall be the responsibility of the property owner, tenant, occupant or agent being serviced to maintain the dumpster and dumpster area free of all nuisances including, but not limited to, insects, rodents, offensive odors, leaking conditions, scattered debris, and overflowing conditions.
 - (i) The dumpsters shall be free of any holes and dumpsters provided with drain plugs shall be properly fitted with a plug.
 - (ii) Dumpster pads may be required to be installed if the board of health deems it necessary upon inspection of the dumpster site.
- (g) *Display of contractor name and telephone number.* The contractor shall have its name and telephone number conspicuously displayed on the dumpster.
- (h) *Hours of removal of dumpster contents.* No contractor shall remove dumpster contents prior to 7:00 a.m. nor later than 8:00 p.m.
- (i) *Deodorizing, washing, sanitizing, etc.* The dumpster contractor shall have the dumpster deodorized when emptied or if necessary, washed, steamed, and/or sanitized as directed by order of the Board of Health.
- (j) *Spillage of garbage; cleanup required.* The contractor shall not cause nor allow spillage during removal or transportation of any garbage, rubbish or other offensive substance and shall be responsible for any cleanup required.
- (k) *Penalty for violation.* Any person(s) who shall fail to comply with the provisions of this section shall be fined fifteen dollars (\$15.00) for the first offense and twenty-five dollars (\$25.00) for each succeeding offense. Each day's failure to comply with this section shall constitute a separate violation.

(Ord. No. 156, 4-18-89)

Section 14.03 Residential storage of rubbish and garbage.

- (a) *Receptacles; placing for collection.* Garbage or mixed garbage and rubbish shall be stored in watertight receptacles with tight-fitting covers. The receptacles and covers shall be of metal or other durable, rodent-proof material. Garbage and rubbish shall be put out for collection no earlier than eighteen (18) hours prior to collection and removed eighteen (18) hours after collection.
- (b) *Use of plastic bags.* Plastic bags shall be used to store garbage or mixed rubbish and garbage only if as a liner in watertight receptacles with tight-fitting covers.

- (c) *Maintenance of parcels of land.* The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition caused by or on such parcel or appurtenance which affects the health or safety and well-being of the occupants of any dwelling or of the general public.
- (d) *Penalty for violation.* Any person(s) who shall fail to comply with the provisions of this section shall be fined fifteen dollars (\$15.00) for the first offense and twenty-five dollars (\$25.00) for each succeeding offense. Each day's failure to comply with this section shall constitute a separate violation.

(Ord. No. 156A, 4-18-89)

ARTICLE XV. HISTORIC DISTRICTS

State law reference-Historic districts, M.G.L c. 40C.

(*Ord. No. 33, 1-8-2003)

Section 15.01 Short title.

- (a) This chapter shall be known and may be cited as the historic districts ordinance promulgated under authority of M.G.L. chapter 40C.

(Rev. Ords. 1973, § 30-1)

Section 15.02 Purpose.

- (a) The purpose of this chapter is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics or architecture of buildings and places significant in the history of the Commonwealth and the city, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

(Rev. Ords. 1973, § 30-2)

Section 15.03 Established.

- (a) There is hereby established under the provisions of M.G.L. chapter 40C, as amended, an historic district to be known as: Fish Flake Hill I Historic District, shown on a plan entitled, "Plan showing Fish Flake Hill I Historic District, located off Cabot Street between Stone, Bartlett and Water Streets, Beverly, Mass., dated November, 1971 and signed by Edgar G. Mitchell, Acting Commissioner of Public Works," which plan is on file in the offices of the City Clerk and is recorded in Essex South District Registry of Deeds, and described as follows:

- (i) Beginning at the most northwesterly corner of Front Street, being the intersection of the easterly line of Cabot Street and the northerly line of Front Street, thence running easterly along the northerly line of Front Street, a distance of about 100.0 feet to the southwesterly corner of Lot #2 on said plan, thence turning and running in a general northerly direction on three courses by Lot #2, a distance of about 111.5 feet to the southeasterly line of Cabot Street, thence turning and running in a northeasterly direction along the southeasterly line of Cabot Street, a distance of about 32.5 feet to the northeastern corner of Lot #3 on said plan, thence turning and running in a general northeasterly direction several courses, by the rear lot lines of Lots #3, #4, #5 and #6, a distance of about 394.9 feet to the northerly line of Lot #6 on said plan, thence turning and running along the northerly line of Lot #6, a distance of about 35.8 feet to the westerly line of Davis Street, thence turning and running in a northerly direction along the westerly line of Davis Street, a distance of about 119.1 feet to Cabot Street, thence turning and running in an easterly direction by the end of Davis Street, a distance of about 53.0 feet to the easterly line of Davis Street, thence turning and running in a southeasterly direction along the southerly line of Stone Street, a distance of about 95.0 feet to the easterly line of Lot #4 on said plan, thence turning and running in a southerly direction along the rear lot line of Lot #41, a distance of about 60.0 feet to the northerly side line of Lot #42, thence turning and running in an easterly direction along the northerly side line of Lot #42, a distance of about 20.0 feet to the rear lot line of Lot #42, thence turning and running in a southerly direction along the rear lot lines of Lots #42, #43, #44 and #45, a distance of about 160.0 feet to the northerly line of Lot #34, thence turning and running in an easterly direction along the rear lot lines of Lots #34 and #35, a distance of about 92.7 feet to the westerly line of South Street, thence turning and running in a southerly direction along the westerly line of South Street, a distance of about 50.0 feet, thence turning and running in an easterly direction across South Street and along the rear lot line of Lot #46, a distance of about 128.5 feet to the westerly line of Lot #47 on said plan, thence turning and running in a northern direction along the western line of Lot #47, a distance of about 38.0 feet to the southerly line of Cottage Lane, thence turning and running in an easterly direction along the southern line of Cottage Lane, a distance of about 85.0 feet to the easterly line of Lot #47 on said plan, thence turning and running in a southern direction along the easterly line of Lot #47, a distance of about 40.00 feet to the rear lot line of Lot #48, thence turning and running in an eastern direction along the rear lot lines of Lots #48, #49 and #50, a distance of about 179.0 feet to the western line of Lot #51 on said plan, thence turning and running in a northerly direction along the westerly line of Lot #51, a distance of about 40.0 feet to the southerly line of Cottage Lane, thence turning and running in an eastern direction along the southerly line of Cottage Lane, a distance of about 55.0 feet to Bartlett Street, thence turning and running along the western line of Bartlett Street in a southern direction, a distance of about 80.0 feet to Front Street, thence turning and running in a southeasterly direction along the eastern end of Front Street, a distance of about 70.0 feet to the southern line of Front Street, thence turning and running in a general southeastern direction

along the southwesterly line of Bartlett Street on several courses, a distance of about 406.8 feet to Lothrop Street, thence turning and running in a southerly direction along the westerly line of Lothrop Street and across Water Street, a distance of about 60.0 feet to the southerly line of Water Street, thence turning and running in a general westerly direction along the southerly line of Water Street, a distance of about 1314.6 feet to a point about 200.0 feet western of the eastern line of Lot #83 as shown upon said plan, thence turning and running in a northwestern direction across Water Street, by Lot #1-82 and across Front Street, a distance of about 120.0 feet to the point of beginning.

- (b) The establishment of the historic district under this section shall not take effect until all the commissioners are appointed by the Mayor and confirmed by the City Council.

(Rev. Ords. 1973, § 30-6)

ARTICLE XVI. DEMOLITION OF HISTORICALLY SIGNIFICANT BUILDINGS

Section 16.01 Intent and purpose.

- (a) This article is adopted to protect and preserve buildings and structures within the city which reflect or constitute distinctive features of the architectural, cultural, economic, political or social history of the city and to encourage the preservation and restoration rather than demolition of such buildings and structures; and, by furthering these purposes, to promote the public welfare and to make the city a more attractive and desirable place in which to live and work.
- (b) To achieve this purpose, the Beverly Historic District Commission (hereinafter “the commission”) is empowered to advise the Director of Municipal Inspections with respect to the issuance of permits for demolition of historically significant buildings. Further, the commission is mandated to offer its advice and expertise to owners of preferably preserved buildings and structures.
- (c) The issuance of demolition permits is regulated as described hereafter in this article.

(Ord. No. 279, §1, 12-16-91)

- (d) Definitions:

The following words and phrases, when used, whether or not capitalized in this article shall have the meanings set forth below, unless the context otherwise requires:

- (i) *Applicant* means any person or entity who files an application for a demolition permit. If the applicant is not the owner of the premises upon which the

building is situated, the owner must indicate with the application his/her assent to the filing of the application.

- (ii) *Business day* means a day which is not a legal municipal holiday, Saturday or Sunday.
- (iii) *Demolition* means the intentional act of pulling down, destroying, removing, dismantling or razing a building or structure or commencing the work of total or substantial destruction with the intent of completing the same.
- (iv) *Historical commission or commission* means the Beverly Historic District Commission, which has the powers and duties and acts as the Beverly Historical Commission. The commission may designate one (1) or more of its members to act in its behalf between the commission's regular monthly meetings.
- (v) *Historic district* means Fish Flake Hill Historic District or any other historic district which may be established in the city under Chapter 40C of the General Laws of Massachusetts; or the Regulations of the National Register of Historic Places.
- (vi) *Historically significant building or structure* means any building or structure within the city which is determined by the commission to be historically significant because such building or structure is (1) Associated with one (1) or more historic persons or events, or with the architectural, cultural, economic, political or social history of the city; or (2) historically or architecturally important (in terms of period, style, method of building construction or association with a famous architect or builder) either by itself or in the context of a group of buildings or structure.
- (vii) *Preferably preserved historic building or structure* means any historically significant building or structure which is determined by the commission, because of the important contribution made by such building or structure to the historical and/or cultural resources of the city, to be in the public interest to preserve.

(Ord. No. 279, § 2, 12-16-91; Ord. No. 24, 2-19-2004)

Section 16.02 Regulated buildings and structures.

- (a) The provisions of this article shall apply only to any building or structure which, in whole or in part, was built fifty (50) or more years prior to the date of the application for the demolition permit, and is:
 - (i) A building or structure listed or eligible to be listed on the National Register of Historic Places, or on the State Register of Historic Places (the criteria used to determine eligibility for listing on the National and/or State Register of Historic Places is on file in the planning department in city hall and available for public review); or

- (ii) A building or structure importantly associated with one (1) or more historical persons or events, or with the broad architectural, cultural, economic, political or social history of the city, or
- (iii) A building or structure which is historically or architecturally significant in terms of period style, method of building construction or association with a significant architect or builder either by itself or as part of a group of buildings; or
- (iv) A building or structure located within one hundred fifty (150) feet of a federal, state or local historic district boundary.

(Ord. No. 279, § 3, 12-16-91)

Section 16.03 Procedures.

- (a) No permit for the demolition of any building or structure shall be issued other than in conformity with the provisions of this article, as well in conformity with the provisions of the other laws and ordinances applicable to the demolition of buildings and structures and the issuance of permits generally.
- (b) Upon receipt of an application for a demolition permit the Director of Municipal Inspections shall forward a copy to the commission and to the planning director of the city.
- (c) Within ten (10) business days from receipt by the commission or a designee of the commission of an application for a demolition permit, the commission or a designee of the commission shall make determination of whether or not the building or structure is a regulated building or structure, and if the commission or a designee of the commission determines that the building or structure is regulated by this article, the commission or a designee of the commission shall also determine within the same ten (10) business days whether or not the building or structure may be an historically significant building or structure.
- (d) If the Director of Municipal Inspections does not receive the opinion of the commission or a designee of the commission in regard to these determinations within ten (10) business days of the date of the receipt of the application by the commission or a designee of the commission, then, subject to the provisions of the Historic District Act as provided in this Article, the Director of Municipal Inspections may grant the permit applied for.
- (e) If the commission or a designee of the commission determines that the building or structure is not regulated by this article, or is not historically significant, the demolition permit application shall be signed as approved by the commission or a designee of the commission and returned to the Director of Municipal Inspections. Upon receipt of such, the Director of Municipal Inspections may, subject to the requirements of the building code and any other applicable laws, issue the demolition permit.

- (f) If the commission or a designee of the commission determines that the building or structure may be an historically significant building or structure, the commission or a designee of the commission shall review the application for demolition at a public hearing to be held within twenty (20) business days of determination that the subject building or structure may be an historically significant building or structure. The commission or a designee of the commission shall cause to be published in a newspaper of local circulation notice of the date and place of such public hearing. Such notice shall specify the address of the subject building, and shall be published in said newspaper at the expense of the applicant once during each of the two (2) weeks preceding the date of such public hearing.
- (g) No less than five (5) business days before the public hearing the applicant for the demolition permit shall submit to the commission three (3) copies of a demolition plan which shall include the following:
 - (i) A map showing the location of the building or structure to be demolished on its property and with reference to the neighboring properties;
 - (ii) Photographs of all street facade elevations;
 - (iii) A description of the building or structure, or part thereof, to be demolished;
 - (iv) The reasons for the proposed demolition and data supporting said reason; or
 - (v) A brief description of the proposed reuse of the property on which the building or structure to be demolished is located.
- (vi) After said public hearing, the commission shall within ten (10) business days determine whether or not the subject building or structure is:
 - 1) Historically significant; and
 - 2) A preferably preserved building or structure, and notify in writing the applicant and the Director of Municipal Inspections of its determination, stating the reasons for such decision.
- (vii) If the determination is that the subject building or structure is both historically significant and preferably preserved, the Director of Municipal Inspections shall not issue a demolition permit for a period of twelve (12) months from the date of such determination, unless the commission informs the Director of Municipal Inspections in writing prior to the expiration of the twelve-month period that:
 - 1) The commission is satisfied that the applicant has made a bonafide, reasonable, and unsuccessful effort to locate a purchaser for the building or structure who is willing to preserve, rehabilitate or restore the building or structure; or

- 2) The applicant has agreed to accept a demolition permit according to certain conditions approved by the commission.
- (viii) No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Director of Municipal Inspections and have been found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such building permit including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

(Ord. No. 279, § 4, 12-16-91; Ord. No. 24, 2-19-2004)

Section 16.04 Notice.

- (a) Notice of a hearing or determination provided for in this article shall be sent by the commission to the owner of record, the applicant for the demolition permit (if different from owner of record), the immediate abutters to the subject property, the Director of Municipal Inspections, and to such other persons and organizations in such manner as the commission may determine appropriate. The commission may require that the applicant maintain on the building, which is subject of a demolition permit application, notice, in a form designated by the commission, visible from the nearest public way, of any hearing on the subject matter or such application; and applicant shall comply with such requirement.

(Ord. No. 279, § 5, 12-16-91; Ord. No. 24, 2-19-2004)

Section 16.05 Emergency demolition.

- (a) Nothing in this article shall be construed to derogate in any way from the authority of the Director of Municipal Inspections derived from Chapter 143 of the General Laws. However, before acting pursuant to this chapter the Director of Municipal Inspections shall make every reasonable effort to inform the chairperson of the historic district commission of his intentions to issue a demolition permit before it is issued.

(Ord. No. 279, § 6, 12-16-91; Ord. No. 24, 2-19-2004)

Section 16.06 Historic districts act.

- (a) Nothing in this article shall be deemed to conflict with the provisions of the Historic District Act, Massachusetts General Laws, Chapter 40C, with respect to requirements of notice, hearing and issuance by the commission of a certificate of appropriateness, a certificate of non-applicability or a certificate of hardship prior to demolition of any building in an historic district. Any temporary building erected or maintained in an historic district pursuant to a certificate issued by the

commission may be demolished in a manner consistent with the terms of such certificate.

(Ord. No. 279, § 7, 12-16-91)

Section 16.07 Enforcement and remedies

- (a) The Director of Municipal Inspections is specifically authorized to institute any actions, in law or in equity, as they deem necessary to obtain compliance with the requirement of this article to prevent a threatened violation thereof.
- (b) Any owner of a building determined by the commission to be a preferably preserved historic building or structure who caused the building to be demolished without first obtaining a demolition permit in accordance with the provisions of this article shall be subject to fine of not more than three hundred dollars (\$300.00). Each day the violation exists shall constitute a separate offense until a faithful restoration of the demolished building is complete or unless otherwise agreed to by the Commission.
- (c) No building permit shall be issued with respect to any premises upon which a building or structure subject to this Ordinance has been voluntarily demolished in violation of this ordinance for a period of two (2) years after the date of the completion of such demolition, to be determined by the Director of Municipal Inspections. As used herein "premises" includes the parcel of land upon which the demolished significant building was located.
- (d) Notwithstanding the foregoing, whenever the Commission shall, on its own initiative, or on the application of the landowner, determine that earlier reconstruction, restoration or other remediation of any demolition in violation of this article better serves the intent and purpose of this article, it may, prior to the expiration of said period of two (2) years, consent to the issuance of a building permit, upon such conditions as the Commission deems necessary or appropriate to effectuate the process of this article, and may so notify the Director of Municipal Inspections.
- (e) Upon the determination by the Commission that a building is a preferably preserved building, the owner shall be responsible for properly securing the building if vacant, to the satisfaction of the Director of Municipal Inspections. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered demolition for the purpose of this Ordinance.

(Ord. No. 279, § 8, 12-16-91; Ord. No. 33, 1-8-2003; Ord. No. 24, 2-19-2004)

ARTICLE XVII. LICENSES AND BUSINESS REGULATIONS

State law references-Licenses generally, M.G.L. c. 140; authority to regulate carriages and vehicles, M.G.L. c. 40, § 22; auctioneers, M.G.L. c. 100, § 1 et seq.; hawkers and

peddlers, M.G.L. c. 101, §§ 13 - 30; articles which may be sold without a license, M.G.L. c. 101, §§ 15, 17; sale of secondhand motor vehicles, M.G.L. c. 140, §§ 57 69; authority to regulate automatic amusement devices, M.G.L. c. 140, § 177A; license for storage, manufacture, etc. of explosives, M.G.L. c. 148, § 13; local license required of common carriers of passengers, M.G.L. c. 159A, § 1 et seq.

Section 17.01 General

- (a) City Council shall grant such licenses or permits as are required by this chapter in accordance with the provisions of law applying to the same.
- (b) All licenses or permits provided by this chapter shall be issued by the city clerk, and shall expire on the thirtieth day of April annually unless otherwise provided by law, and may be revoked or annulled at any time, for cause, by the City Council.
- (c) Revocation due to unpaid fees. If any tax payable to the city remains unpaid fifty (50) days after its due date, and the delinquent taxpayer holds a license or permit issued by the City Council or any office, officer or board, the city collector-treasurer may request the City Council or such office, officer or board to revoke or suspend such license or permit in accordance with law.

(Rev. Ords 1973, §13-2A)

Section 17.02 Fees generally.

- (a) Fees set forth for licenses or permits shall be paid to the city clerk at the time of the application therefor and such fees shall be returned if the licenses or permits are refused.

Section 17.03 Automatic Amusement Devices

*State law reference - Municipal authority to regulate automatic amusement devices, M.G.L. c. 140, §177A

- (a) The provisions of this article establish and regulate the use of automatic amusement devices in the city, excluding coin-operated music machines. (Rev. Ords. 1973, 13-3A(1))

State law reference-Municipal authority to regulate automatic amusement devices, M.G L. c. 140, § 177A.

- (b) Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (i) *Automatic amusement device* shall mean any mechanism whereby upon the deposit therein of a coin or token any apparatus is released or set in motion or put in a position where it may be set in motion for the purpose of playing any game involving, in whole or in part, the skill of the player, including but not exclusively, such devices as are commonly known as pinball machines or electronic video machines, excluding coin-operated music machines, including any other similar machine or device, as defined in chapter 140, section 177A of the General Laws.
- (ii) *School* shall mean any educational institution, public, private, secular, or parochial which offers instruction of high school grade or below and which is accredited by the state department of education. (Rev. Ords. 1973, § 13-3A(1))

Section 17.04 Licenses.

- (a) A license shall be required before any premises may operate an automatic amusement device in the city.
- (b) All applications shall be filed with the city clerk on such form as the City Council may from time to time prescribe, with the fee set forth to be paid to the city clerk at the time of the application, and such fee shall be returned if the license is refused
- (c) The city clerk shall issue such license upon a majority vote of the City Council.
- (d) Licenses shall be renewable on the last day of December of each year. Renewals must be issued by the city clerk, with submission to the City Council.
- (e) The applicant shall be the owner or manager of the establishment requesting the license.
- (f) All applications must list the vendor or owner of the automatic amusement device to be placed upon the premises.
- (g) There shall be no more than two (2) machines allowed per any premises, except in compliance with subsection (i) of this section.
- (h) All applications for automatic amusement devices for three (3) or more such machines at any one (1) location not licensed to dispense alcoholic beverages must have a public hearing before the Committee on Legal Affairs of the City Council. Such public hearing must be advertised, by legal notice, by the applicant, at least ten (10) days prior to any public hearing in one (1) newspaper of general circulation. The applicant must forward a copy of the legal notice to the abutters of the premises where the automatic devices are to be located. Such notification is to be by registered or certified mail.

- (i) Any existing licensee with two (2) or more automatic amusement devices legally upon his premises must comply with all provisions of this section if an application for additional automatic amusement devices is filed with the city clerk.
- (j) In acting on each application for an automatic amusement device license, the City Council shall consider whether the granting of such license would be consistent with the general good, order and welfare of the city. The board shall consider, among other things:
 - (i) Whether maintenance of automatic amusement devices could affect traffic and pedestrian congestions;
 - (ii) Whether maintenance of automatic amusement devices is consistent with the best economic and social interests of the area;
 - (iii) Whether maintenance of automatic amusement devices would unreasonably increase the level of noise in the area;
 - (iv) Whether maintenance of automatic amusement devices would unreasonably increase the incidence of illegal or disruptive conduct in the area;
 - (v) Or whether maintenance of automatic amusement devices would otherwise significantly harm the general good, order and welfare of the immediate area in which the premises are located.

(Rev. Ords. 1973, § 13-3A(2); Ord. No. 446, 10-19-92)

Section 17.05 Conditions

- (a) Automatic amusement devices licensed under this article shall be so installed on the premises as to be in open view at all times while in operation and shall at all times be available for inspection. All machines shall have the owner's or vendor's name, address and telephone number attached in clear view.
- (b) No person keeping or offering for operation or allowing to be kept or offered for operation any automatic amusement device shall permit the same to be used for the purpose of gambling.
- (c) No machine shall be operated by persons sixteen (16) years of age or younger while city public schools are in session from the hours of 7:00 a.m. to 2:00 p.m. weekdays only.
- (d) No person under the age of twenty-one (21) years may operate an automatic amusement device which is located on premises licensed to dispense alcoholic beverages. The preceding shall not apply in circumstances where the individual under the age of twenty-one (21) years is accompanied by his parent or guardian, provided that such parent or guardian consents to the operation of such device by such individual.

- (e) Any machine which is in violation of this section may be confiscated from the premises by the chief of police.
- (f) Any violation of the provisions of this article shall result in the revocation of all licenses to operate automatic amusement devices at such premises for a period of one (1) year from the date of violation. Any violation of this article, shall result in a fine of up to two hundred dollars (\$200.00). Any licensee found to be in violation of any provision of this article shall be granted a public hearing before the legal affairs and accounts committee of the City Council upon written request.
- (g) No provision of this article shall authorize or permit or be construed as authorizing or permitting keeping, maintaining, possessing, using or operating in the city any contrivance or device otherwise prohibited by law.
- (h) Any such automatic amusement device lawfully in existence and properly licensed by the city clerk and operating prior to the effective date of this section, shall not be denied renewal of such existing license without just cause.

(Rev. Ords. 1973, § 13-3A(3))

Section 17.06 Fortune Tellers

- (a) License required.
 - (i) No person shall engage in the business of palmistry, fortunetelling, phrenology, card reading, astrology and like enterprises unless he first obtains a license therefor.

(Rev. Ords. 1973, § 13-6)

*State law reference-Municipal authority to license fortunetellers, M.G.L. c. 140, §185I.

- (b) Issuance of license
- (c) All licenses required by this article shall be granted by the City Council, who shall require the licensees to pay a fee therefor.

(Rev. Ords. 1973, § 13-7)

Section 17.07 Junk and Secondhand Dealers

State law references-Authority of city to license junk dealers and to make rules and regulations relative to their business, M.G.L. c. 140, §§ 54 66; form, term and revocation of licenses for junk dealers and collectors, M.G.L. c. 140, §§ 202, 203, 205.

- (a) License required; revocation.
 - (i) No person who makes a business of purchasing or purchasing and selling, or who keeps a place of business in the city for purchasing or purchasing and

selling, either gold or silver, collectible domestic or foreign coins, collectible domestic or foreign currency, stamps, other precious metals, art objects, paintings, jewelry, rugs or other secondhand items such as antiques and/or furniture, junk, electronics, tools or old metals, shall engage in such business or open such place of business for such purposes unless licensed by the City Council. The City Council may revoke such licenses at pleasure. For the purposes of this ARTICLE IV collectible coins and/or collectible currency shall mean any coin or currency for which the shopkeeper pays more or less than face value (domestic coin or currency) or pays more or less than the value at the rate of exchange on the date of the transaction (foreign coin or currency).

(Ord. No. 98, 6-21-2011)

(b) Record to be kept of purchases.

(i) Every keeper of a shop in the City for the purchase, sale or bartering of the goods described in Sec. 12-71 shall keep a permanent record in the English language detailing date of transaction, name of customer, telephone number of customer, name of shop, description of items including make, model number, serial number, color, size, markings/engravings, and the amount paid to the customer.

(ii) In addition thereto such shopkeeper shall

- 1) Require the person selling such articles to provide one form of photo identification issued by a government agency. A copy of such photo identification shall be made and maintained with said book as part of his records.
- 2) Make and maintain a photograph of all items purchased and keep said photograph with said book as part of his records.

(c) Said book and the photocopies and photographs required hereby shall at all times be open to the inspection of the Mayor, the City Council or any individual City Councilor, police officers of the City of Beverly or State Police or to any other person authorized by the Mayor or City Council to make such inspection.

(Ord. No. 98, 6-21-2011)

(d) Dealing with minors.

(i) No dealer in junk, old metals or secondhand items shall directly or indirectly purchase or receive by way of barter or exchange such goods, or allow such goods to be deposited upon or within his premises, shop or vehicle, by any minor, knowing or having reason to believe him to be such.

(Rev. Ords. 1973, § 11-3)

(e) Retention period.

- (i) No such item purchased or received by any dealer or keeper of a shop shall be removed from the city or sold or otherwise disposed of nor its identity changed until at least thirty (30) days from its date of purchase has elapsed unless permission in writing has been obtained from the chief of police or his designee who may request to observe or photo such item. All items shall be held in the condition received for the duration of the retention period

(Rev. Ords. 1973, § 114; Ord. No. 12, 2-13-2006; Ord. No. 98, 6-21-2011))

(f) Signs required.

- (i) Every keeper of a shop for the purchase, sale or barter of junk, old metals or secondhand items in the city shall put in a suitable and conspicuous place on his shop a sign having his name and occupation legibly inscribed thereon.

(Rev. Ords. 1973, § 11-5)

(g) Examination of shop and items.

- (i) The shop and all items of merchandise referred to in this article, and any place, vehicle or receptacle used for the collection or keeping of such items may be examined at all times by the mayor and City Council, or by any police officer of the city, or by any person authorized by the mayor or City Council to make such examination. (Rev. Ords. 1973, § 11-6)

(h) Hours

- (i) The shops referred to in this article shall be closed from 9:00 p.m. to sunrise of the following morning, and no keeper of such shop shall purchase or sell any of the items mentioned in this article during such hours. No trading shall be done on Sundays.

(Rev. Ords. 1973, § 11-7; Ord. No. 12, 2-13-2006)

(i) Place of business to be that designated in license.

- (i) No dealer in junk, old metals or secondhand items shall carry on his business in any other place than that designated in his license, unless a consent to his removal be granted by the City Council.

(Rev. Ords. 1973, § 11-8)

State law reference-Similar provisions, M.G.L. c. 140, § 204.

(j) Vehicles to be licensed and numbered.

- (i) No vehicle shall be used for the collection of junk, old metals, rags or secondhand items unless licensed by the City Council. Every such vehicle shall bear conspicuously the owner's name and the number of the license on the outside, and on each side.

(Rev. Ords. 1973, § 11-9)

(k) Dealing in new material prohibited.

- (i) No person receiving a license under this article shall, under such license or on the licensed premises, purchase, barter, sell or offer for sale any new or unused or unworn item or material.

(Rev. Ords. 1973, § 11-10)

(l) Storage of inflammables.

- (i) Every person licensed under this article shall store all rags, paper or other inflammable material in a building constructed of fireproof material. (Rev. Ords. 1973, § 11-11)

(m) City clerk to keep list of dealers, etc.

- (i) It shall be the duty of the city clerk to keep a list of the dealers in the items mentioned in this article, and of the places wherein the business is carried on.

(Rev. Ords. 1973, § 11-12)

(n) Required Reporting to Police Department.

- (i) Simultaneously with the entry of information required by Sec. 12-72 into a permanent record in a form prescribed by the Police Department the Keeper of a shop for the purchase and sale of gold or silver, collectible coins, collectible currency, stamps, other precious metals, art objects, paintings, jewelry, antiques, electronics, or tools shall forward electronically, not later than Friday of every week, to the Chief of Police of the City or his designee a copy of such entry. If delivery cannot be made electronically for whatever reason, the copy of the above transaction shall be hand delivered to the Chief of Police or his designee not later than Friday of every week.”

- (ii) In addition thereto such shopkeeper shall:

- 1) Digital photographs of all purchased or pawned items of a quality acceptable to the Police Department shall be forwarded electronically to the Police Department on a daily basis. Photos shall be accompanied by a form prescribed by the Police Department describing items in said photos and shall also contain an image of the government issued identification used in the transaction. Acceptable quality photos must be in focus, item must be identifiable, photo size no smaller than 6" X 4.5" (432 pixels X 324 pixels; file size 32 kilobytes) and no larger than 11' X 7" (792 pixels X 527 pixels; file size 130 kilobytes), a scale must be included in the photograph.
- 2) Submit to the Police Department on a weekly basis a spreadsheet prescribed by and available from the Police Department. Spreadsheet to include date of transaction, name of customer, telephone number of customer, name of shop, description of items including make, model number, serial number, color, size, markings/engravings, amount paid/loaned to customer.

(Ord. No. 98; 6-21-2011)

(o) Penalties.

- (i) Failure to comply with any requirement of this ordinance shall result in a fine of \$100 for the first offense and a fine of \$300 for any second or subsequent offense. Each item purchased by the shopkeeper and which transaction fails to fully comply with the requirements of this ARTICLE IV shall constitute a separate offense
- (ii) Nothing in this Section shall abrogate the right of the City Council to revoke any license issued under this ARTICLE IV at their pleasure in accordance with Sec. 12-71 herein or G.L. Chapter 14 §54.

(Ord. No. 12, 2-13-2006; Ord. No. 98; 6-21-2011)

Section 17.08 Lodging Houses

- (a) A license shall be required for any premises to operate as a lodginghouse, as defined by M.G.L. chapter 140, section 22, as amended. Such license shall expire on the thirty-first day of December in each year, but it may be granted during December to take effect during the following year, as provided the following paragraph.

(Rev. Ords. 1973, § 13-18)

State law reference-Public lodginghouses, M.G.L. c. 140, §33 et seq.

(b) Application.

- (i) Renewal applications for licenses required under the provisions of this division shall be sent to all record holders of lodginghouse licenses on September

fifteenth of each year by the city clerk. An application shall be provided to new applicants by the city clerk, upon request. Completed renewal applications, together, with the fee required shall be returned to the city clerk by October fifteenth following the receipt of such application. The completed new application together with the fee shall be returned to the city clerk within thirty (30) days of receipt.

(Rev. Ords. 1973, § 13-18(a))

(Rev. Ords. 1973, § 13-18(b))

(c) Inspection period.

- (i) The city clerk shall send copies of renewal applications for licenses issued under the provisions of this division to the Director of Municipal Inspections, the director of the board of health, the fire chief and the electrical inspector when he sends them to the renewal applicant on September fifteenth. The fire chief, the Director of Municipal Inspections, the director of the board of health and the electrical inspector shall schedule simultaneous inspections of renewal applicants for the period between October fifteenth and November fifteenth. Inspections of new applicant's premises shall occur within sixty (60) days after the receipt of the completed application by the city clerk.

(Rev. Ords. 1973, § 13-18(c))

(d) Review.

- (i) Upon completion of their inspections of the lodginghouses, but in any event by November fifteenth in the case of renewals, the Director of Municipal Inspections, fire chief, director of public health and electrical inspector shall each forward a written report to the city clerk, recommending renewal or non-renewal of the licenses, or granting or not granting of a new license. The city clerk shall present the completed applications, evidence of payment of the fee and reports by December seventh to the City Council. Renewal licenses shall be granted only upon a majority vote of the City Council after review of reports and full payment of the fee.

(Rev. Ords. 1973, § 13-18(d))

(e) Issuance.

- (i) The city clerk shall issue the license applied for under this division after the City Council grants such license, but in any event by December thirty-first in the case of renewal licenses and within thirty (30) days of granting in the case of new licenses.

(Rev. Ords. 1973, § 13-18(e))

(f) Revocation.

- (i) Licensed lodginghouses that are not in compliance with all relevant code requirements shall be brought to the immediate attention of the City Council for its review and action. The board in its discretion may immediately revoke the license, upon majority vote, if in its opinion there is a public health or public safety emergency. In the case of less serious violations, it may schedule a public hearing upon publication and notice to the licensee and at such public hearing vote to revoke the license.

(Rev. Ords. 1973, § 13-18(g))

Section 17.09 Pawnbrokers

(a) License required; revocation; expiration.

- (i) The City Council may license suitable persons to carry on the business of pawnbrokers in the city, subject to the laws of the Commonwealth, and may revoke such licenses at pleasure and that the City Council shall not issue more than one (1) license for every fifty thousand (50,000) inhabitants. All licenses shall continue in force until the first day of May following the granting of such license. Whenever such a license is revoked, the city clerk shall note the revocation upon the face of the record thereof, and shall give written notice to him in person or leave it at the place of business designated in the license.

(Rev. Ords. 1973, § 18-1, Ord. No. 91, 3-28-97)

*State law reference-Licensing of pawnbrokers, M.G.L. c. 140, § 70 - 85.

(b) Duties of city clerk as to license; contents of license; removal of places of business.

- (i) Every license required under the provisions of this article shall be signed by the city clerk and shall be recorded by him in a book kept for that purpose before being delivered to the licensee. Such license shall set forth the name of the person licensed, the nature of the business, and the building or place in which it is to be carried on. The licensee shall not conduct the pawnbroker business in a building or place other than that designated in the license, unless consent is granted by the City Council.

(Rev. Ords. 1973, § 18-2)

(c) Bond.

- (i) The licensee shall, at the time of receiving such license, file with the authorities who issue the license a bond in the sum of three hundred dollars (\$300.00) with two (2) sureties approved by such authorities and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

(Rev. Ords. 1973, § 18-3; Ord. No. 70A, 2-19-91)

State law reference-Pawnbroker's license fee, bond, M.G.L. c. 140, § 77.

(d) Books to be kept.

- (i) Every person licensed to carry on the business of pawnbroker shall keep a book at his place of business, in which he shall, at the time of making a loan, enter in the English language a detailed description of every article purchased or taken in pawn at the time of receiving it, particularly describing any prominent or descriptive marks, and the name, age, and residence (by street and number) of the person from whom, and the day and hour when, he purchased it, and the amount paid therefore or loaned thereon including the monthly interest rate for such loan, and the number of the pawn ticket.
- (ii) Every pawnbroker shall photograph any person pawning or pledging articles and shall keep such photographs with said books as part of his records.
- (iii) Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises in accordance with G. L. Chapter 140 §71.

(Rev. Ords. 1973, § 18-4; Ord. 79, 4-10-2003)

State law reference-Similar provisions, M.G.L. c. 140, §79.

- (e) Dealing with minors prohibited; time of sale; delivery to chief of police of copies of entries.
- (i) No pawnbroker shall, directly or indirectly, receive any article in pawn of any minor, knowing or having reasonable cause to believe him to be such; and no article received in pawn shall be sold until the expiration of the time and in the manner provided by statute. Every pawnbroker shall make out and deliver at the office of the chief of police each day before the hour of 12:00 noon a legible and true copy of all entries made during the twenty-four (24) hours ending at 8:00 a.m. of the same day, in the record book required to be kept by the previous paragraph.

(Rev. Ords. 1973, §18-5)

(f) Right of entry of City Council and police.

- (i) The chief of police or the City Council, or any police officer authorized by either of them, may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business and examine all articles taken in pawn or kept or stored in or upon such premises, and all books and inventories relating thereto. Any person, who willfully hinders, obstructs or prevents such officers from entering such premises or making such examination, shall be punished as provided by statute.

(Rev. Ords. 1973, § 18-6)

State law reference-Obstruction of entrance or examination by authorized officer. M.G L. c. 140, § 74.

(g) Maximum rates of interest; extra charges prohibited.

- (i) Licensed pawnbrokers may charge no more ten percent a month (and each fraction) thereof at the same rate.
- (ii) No such pawnbrokers shall charge or receive any greater rate of interest and interest shall be determined on the precise sum advanced.
- (iii) No pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods, articles or thing pawned with him.

(Ord. No. 79, 4-10-2003; Ord. No. 293, 10-22-2003)

(h) Firearms.

- (i) No pawnbroker shall loan money secured by deposit or pledge of a firearm, rifle, shotgun or machine gun.
- (ii) No pawnbroker shall hold a license to sell, rent, or lease a firearm, rifles, shotguns, or machine guns.

(Ord. No. 79, 4-10-2003)

(i) Stolen property.

- (i) If any goods or articles pawned or pledged and in the possession of a pawnbroker are subsequently determined to be stolen property by a member of the Beverly or State Police Department, or if the rightful owner identifies property in the possession of a pawnbroker and the property so identified is confirmed to be stolen goods by a member of the Beverly or State Police Department, upon direction by the Beverly or State Police Department, said property shall be forthwith returned to the rightful owner or delivered to such member of the Beverly or Sate Police Department at no cost to such owner.

(Ord. No. 79, 4-10-2003)

Section 17.10 Peddlers and Hawkers

(a) Definitions: The following words shall for the purpose of this article have the following meanings:

- (i) *Transient vendor* means any person, either principal or agent, who engages in any exhibition and sale of goods, wares or merchandise temporarily in any tent, booth, building or structure and who does not intend to become and does not

become a permanent merchant in such place. For the purposes of this Ordinance, Transient Vendor shall not include persons who conduct what are commonly known as Yard Sales (Ord. No. 243, 12-29-2005)

- (ii) *Hawker and Peddler* means any person, either principal or agent, who goes from town to town or from place to place in the same town selling or bartering, or carrying for or barter or exposing therefor, any goods, wares or merchandise, either on foot, on or from any animal or vehicle. (Ord. No. 42, 1-7-91)

State law reference- Peddlers and hawkers, M.G.L. c.101, §§ 13-30.

(b) Sale of certain articles without licenses.

- (i) Any transient vendor, hawker or peddler who seeks to sell articles referenced in this section shall obtain an identification card from the chief of police. Hawkers and peddlers may sell without a license newspapers, religious publications, ice, flowering plants, and such flowers, fruits, nuts and berries as are wild or uncultivated, provided, however, that such hawkers and peddlers shall record their names and residences with the chief of police and receive a license number and identification card from the chief of police, and provided further that such hawkers and peddlers shall comply with the other provisions of this section.

(Ord. No. 42, 1-7-91; Ord. No. 243, 12-29-05)

(c) Procedure for obtaining a transient vendor, hawker and peddler license.

- (i) Any transient vendor, hawker or peddler who seeks to sell articles other than those referenced in permitted to be sold without a license as provided in the second paragraph of this section for a period of 21 consecutive days or more, shall obtain a license from the City Council. Applicants for hawkers and peddlers and transient vendor's licenses shall apply to the city clerk. The city clerk shall forward the application to the chief of police for his review and recommendation and upon receiving the chief of police's recommendation, shall forward said application to the City Council which shall be the awarding authority for said licenses.

(Ord. No. 42, 1-7-91; Ord. No. 243, 12-29-2005)

(d) Procedure for obtaining a temporary license.

- (i) Any transient vendor, hawker or peddler who seeks to sell articles other than those referenced in permitted to be sold with a license as provided in the second paragraph of this section for a period of 20 days or less, shall obtain a temporary license from the City Clerk. Applicants seeking a temporary license (one for a period of less than twenty-one (21) days) shall file an application with the city clerk together with the application fee; the city clerk shall forward the application to the chief of police for his review and recommendation. If the chief of police recommends a license be issued to the applicant, then the city clerk

shall issue same. If the chief does not so recommend, no license shall issue.
Any one (1) applicant may not receive more than one (1) temporary license for any one (1) calendar year.

(Ord. No. 42, 1-7-91; Ord. No. 243, 12-29-2005)

(e) Location.

- (i) Transient vendors, hawkers and peddlers seeking to locate on public streets, sidewalks, parks or any other public areas shall not impede public vehicular and foot traffic and shall not adversely impact public safety.
- (ii) Any transient vendor, hawker or peddler, who, in the opinion of the chief of police or his designee, adversely impacts the safety of the public may have his/her police identification card and license suspended forthwith and without further notice. Such license will remain suspended pending a hearing before the City Council pursuant to the following paragraph.
- (iii) Any transient vendor, hawker or peddler whose activities impede public vehicular and foot traffic or adversely impact public safety may have their license revoked by the City Council upon notice to the licensee and public hearing.

(Ord. No. 42, 1-7-91)

(f) Duty of city clerk.

- (i) It shall be the duty of the city clerk to keep a record of the name and residence of every peddler and transient vendor licensed by the city and the particular business for which his license is granted.

(Ord. No. 42, 1-7-91)

(g) Numbers.

- (i) Every hawker and peddler and transient vendor licensed by the City Council shall be assigned a number. No person shall be assigned a number until he presents a certificate from the sealer of weights and measures stating that all weighing and measuring devices intended to be used by such persons have been duly inspected and sealed as required by law.

(Ord No. 42, 1-7-91)

(h) Name and number on vehicles.

- (i) Every vehicle or other receptacle used by a licensee under the provisions of this article shall have plainly printed on each side thereof the name of the licensee and the number of his license.

(Ord. No. 42, 1-7-91)

(i) Disturbing peace; cleanliness of vehicles.

- (i) No person hawking, peddling or carrying or exposing any articles for sale shall cry his wares to the disturbance of the peace and comfort of the inhabitants of the city, nor otherwise than in vehicles and receptacles which are neat and clean and do not leak.

(Ord. No. 42, 1-7-91)

(j) Hours of sale regulated.

- (i) No transient vendor, hawker, peddler, or solicitor of donations shall sell or offer for sale, any goods, wares, or merchandise, solicit donations or circulate petitions in the city between the hours of 6:00 p.m. and 8:00 a.m., except that a duly licensed ice cream vehicle vendor may sell or offer for sale any ice cream products from this vehicle in the city between the hours of 8:00 a.m. and 9:00 p.m., provided, he shall not use any sounding devices between the hours of 8:00 p.m. and 9:00 p.m.

(Ord. No. 42, 1-7-91; Ord. No. 81, 12-10-92)

(k) Standing time.

- (i) No person shall stand or stop any vehicle upon any public way in the city for a period of more than five (5) minutes for the purpose of selling or offering for sale any food, beverages or goods, wares or merchandise therein or therefrom. The aforementioned, notwithstanding, final jurisdiction of standing time, where appropriate, shall be determined by the chief of police.

(Ord. No. 42, 1-7-91)

(l) Health requirements.

- (i) Any hawker, peddler, or transient vendor who offers for sale food or drink as defined by Chapter 10 of the Massachusetts Sanitary Code shall obtain a permit from the board of health and said permit shall identify any food restrictions of items to be sold as set by the Board of Health

(Ord. No. 122, 3-4-91)

Section 17.11 Sea Worms

(a) Permit Required.

- (i) The City Council is hereby authorized to issue permits for the taking of sea worms or shell fish from the flats and shores of the city; provided, however,

that no permit shall be granted to any person for the taking of shellfish or sea worms from the flats on the westerly side of the Bass River channel and the northerly side of the Danvers River channel, from Hall-Whitaker Bridge to Kernwood Bridge, being known as the Salters Point area.

(Rev. Ords. 1973, § 13-11)

(b) To whom permit may be issued

- (i) No permit for the taking of sea worms or shellfish shall be issued to any person who is not a citizen of the city or a resident.

(Rev. Ords. 1973, § 13-13)

(c) Persons included

- (i) Persons engaged in the business of selling sea worms to be used for fishing shall be included in this section.

(Rev. Ords. 1973, § 13-14)

State law reference-Municipal authority to regulate or prohibit the taking of sea worms, M.G.L. c. 130, § 52.

(d) Supply for one day's fishing.

- (i) Digging may take at any time sufficient sea worms for a day's fishing without any permit, providing such taking does not exceed one (1) quart of worms per person.

(Rev. Ords. 1973, § 13-15)

(e) Not to be dug by electrical or mechanical device.

- (i) No person shall be permitted to take or dig sea worms by means of any electrical appliance or other mechanical device.

(Rev. Ords. 1973, § 13-16)

Section 17.12 Signs

(a) Permit Process and Requirements for Sandwich Board Signs.

- (i) Sandwich board signs as defined by the City of Beverly Zoning Ordinance must be authorized by the City Council prior to the issuance of a sign permit by the Director of Municipal Inspections. The City Council may issue a permit for one such sign to a business establishment, provided such sign meets the requirements outlined in the Zoning Ordinance for such signs and the provisions of this Section. The term of the permit issued by the Council shall be for one (1)

year and shall be subject to the application and/or renewal fees determined by the Director of Municipal Inspections and its revocation shall be subject to the third section of this article. . The City Council may vote at any time to revoke any permit for a sandwich board sign whenever, in its opinion, the sign becomes an eyesore, a nuisance, a public safety concern, or is neglected, or when the number of violations of the zoning and City ordinance warrant such action in the interest of public safety and ensuring the integrity of the City's ordinances.

- (ii) In cases where the City Council revokes a permit for a sandwich board sign that is placed on City property, the City of Beverly has the authority to immediately remove such sign from a public way.
- (iii) No permit for a sandwich board sign shall be issued by the City Council unless and until the following requirements have been met:
 - 1) An application packet in a form acceptable to the City Council has been filed with the City Clerk's Office;
 - 2) Proof of adequate liability insurance for the duration of the permit period is provided in a form acceptable to the City Council; and
 - 3) All applicable approvals from City boards (including but not limited to the Design Review Board) have been obtained.
- (iv) An application for renewal of an existing permit for a sandwich board sign shall not require review by the Design Review Board, so long as there are no changes being proposed to the previous-approved sign design and so long as there are no changes to any condition(s) upon which the existing permit was issued.

(Ord. No. 57, 6-20-2007)

(Rev. Ords. 1973, § 13-17; Ord. No. 57, 6-20-2007)

(b) Penalties.

- (i) Violations of the provisions of this Section shall be a warning for the first offense and a \$100 fine for the second and subsequent offenses, with each day of violation constituting a separate offense. This provision shall be enforced by the City of Beverly Director of Municipal Inspections or designee.

(Ord. No. 57, 6-20-2007)

Section 17.13 Timber and Lumber

(a) License required.

- (i) In order to prevent the creation of conditions which would constitute a fire hazard and for the prevention of fires and for the preservation of life, no person

shall cut or split timber or lumber in the city for the purpose of sale without securing a license to do so from the City Council.

- (ii) The provisions of this section shall not apply to the cutting of timber or sale of lumber from forest lands classified under the provisions of chapter 61 of the General Laws as added by Acts of 1981, chapter 768, section 1, approved January 2, 1982.

(Rev. Ords. 1973, § 13-9(a))

(b) Hearing.

- (i) No license required by this article shall be granted by the City Council until a public hearing shall have been held thereon, notice of time and place of which hearing shall have been given, at the expense of the applicant, by the city clerk, not less than seven (7) days prior thereto, in a daily newspaper published in the city. The notice shall specify the land on which such license is to be exercised, including street address and number, if any. The city clerk shall also cause notice of the hearing to be mailed to all property owners within three hundred (300) feet of any location for which license application is made, not less than seven (7) days prior to date of hearing.

(Rev. Ords. 1973, § 13-9(b))

(c) Approval of fire chief.

- (i) All applications for licenses made under the provisions of this article shall be referred by the City Council, prior to date of hearing, to the chief of the fire department for his approval or disapproval.

(Rev. Ords. 1973, § 13-9(c))

(d) Grants of License.

- (i) All licenses granted under this article shall be referred by the City Council, prior to the date of hearing, to the chief of the fire department for his approval or disapproval.

(e) Application to Landowners.

- (i) Any person who cuts lumber or timber on his own land for his own private use and allows the accumulation of slash, sawdust or other combustible materials shall be subject to the penalties provided in this section. (Rev. Ords. 1973, § 13-9(e))

(f) Terms, conditions of license.

- 1) The applicant for a license required by the provisions of this article shall conform with all the statutes of the Commonwealth relating to the storage of inflammable and combustible materials.
- 2) The accumulation of slash, sawdust or other combustible materials shall not be allowed on the premises.
- 3) The applicant shall remove any accumulation of slash and other material immediately upon being notified by the chief of the fire department.
- 4) The applicant shall file a performance surety company bond guaranteeing that he will perform the terms and conditions set forth in this license.
- 5) The applicant shall construct and maintain a twelve-foot road in such a manner that fire apparatus can reasonably obtain access to the site of operations. The road shall be approved by the chief of the fire department and the Director of Public Services.

(Rev. Ords. 1973, § 13-9(f))

(g) Penalties, inspections.

- (i) Failure of any person to procure a license and any violation of any of the provisions of this article by any person shall be punishable as provided in Article I for each and every offense. The chief of the fire department is authorized and directed to make such inspections as he deems necessary and to investigate the existence of any conditions likely to cause fire or to endanger public safety. He shall notify the licensee of any violation of the regulatory provisions of this article or of existing conditions likely to cause fire and shall order him, in writing, forthwith, to cease such violation or remedy such dangerous conditions as may exist. Such written order shall be delivered personally to the licensee of the premises or by registered letter addressed to him at his business address. Any licensee who fails or refuses to comply with the order within forty-eight (48) hours shall be prosecuted by the chief of the fire department. If failure or refusal of the licensee to comply with the written order continues for seven (7) days after notice has been given, it shall be the duty of the chief of the fire department to report such violation or noncompliance to the City Council, in writing, with recommendation for revocation of the license.

(Rev. Ords. 1973, § 13-9(g))

(h) Notice to City Arborist.

- (i) Any person not being exempt from chapter 132, sections 42 and 43 of the General Laws under the provisions of section 44 of the General Laws shall, before a permit is granted, produce sufficient evidence that he has given notice of his intentions to cut to the City Arborist and has received an approved plan of

operations from the director as provided for in chapter 132, session 42 of the General Laws.

(Rev. Ords. 1973, § 13-9(h))

Section 17.14 Used Car Dealers

(a) Definitions: For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (i) *Council* means the City Council.
- (ii) *License* means a class 2 license as provided under chapter 140, section 58 of the General Laws.
- (iii) *Licensee* means a person licensed under the provisions of a class 2 license to buy and sell secondhand motor vehicles.

(Rev. Ords. 1973, § 13-8(a))

Cross reference-Definitions and rules of construction generally, § 1-2.

- (b) Number of vehicles for sale.
 - (i) No person shall be licensed to buy and sell secondhand motor vehicles unless he has filed with his application a statement with the board certifying that such business will be his principal business. If the sale of secondhand motor vehicles is to be an auxiliary business, then the number of secondhand motor vehicles shall be restricted to six (6).

(Rev. Ords. 1973, § 13-8(b); Ord. No. 319, § 1, 5-19-87)

- (c) Plot plan required.
 - (i) Any person filing an application for a license shall file with the board a plot plan of the premises upon which the license will be exercised. The plot plan shall show all abutters and any buildings presently on the premises or to be erected.

(Rev. Ords. 1973, § 13-8(c))

- (d) Location specifications.
 - (i) Every licensee shall provide a suitable place to conduct the business, which shall include the following:
 - 1) Graded premises surfaced with hot-topping.

- 2) A building to provide service and storage for not less than one (1) motor vehicle, constructed to conform with all state laws and regulations and ordinances pertaining to the purpose for which the building is to be used. The service and storage area of the building shall be exclusive of any office space.
- 3) A fence shall be erected along the abutting lot lines and shall not be less than four (4) feet high.

(Rev. Ords. 1973, § 13-8(d))

(e) Approval of advertising signs.

- (i) All signs erected for the purpose of advertising the business licensed under the provisions of this article shall be approved by the inspector of buildings.

(Rev. Ords. 1973, § 13-8(e))

(f) Advertising material on cars.

- (i) No licensee shall place upon any vehicle on display or offered for sale any signs, placards or advertising matter except a placard not larger than twelve (12) inches by nine (9) inches may be placed upon a windshield to indicate the sale price of the vehicle.

(Rev. Ords. 1973, § 13-8(f))

(g) Proximity of vehicles to lot line.

- (i) No licensee shall park or display any motor vehicle within five (5) feet of any lot line.

(Rev. Ords. 1973, § 13-8(g))

(h) Suspension, revocation of license.

- (i) Failure of a licensee to conform with the provisions of this article shall be deemed cause to suspend or revoke such license.

(Rev. Ords. 1973, § 13-8(i))

(i) Applicability.

- (i) This article shall have no effect upon any licensee who was licensed on April 6, 1962, for the term of his present license or any renewals thereof for the same premises.

(Rev. Ords. 1973, § 13-8(j))

Section 17.15 Yard and Garage Sales

(a) License required.

- (i) It shall be unlawful for any person, transient merchant, hawker or peddler to vend, sell, dispose of, or offer to sell, display or dispose of, any goods, wares or merchandise on any public walk, street, alley or anywhere within the city on public or private property without first obtaining a license from the city clerk for that purpose, and having paid a license fee therefor. Prior to any sale, the police shall be notified of such impending sale.

(Rev. Ords. 1973, § 11-13(a))

(b) License restrictions.

- (i) The license required by this article, or its application, shall contain the name of partners, if a copartnership, and shall include the location or place where such a yard or garage sale will be held. No license shall be granted to the same person at the same premises more than twice in any given twelve-month period. The license shall be valid for a period of two (2) consecutive days.

(Rev. Ords. 1973, § 11-13(b))

(c) Penalties.

- (i) Violations of this article shall be punishable by fine, as follows:
 - 1) First offense \$25.00
 - 2) Second offense \$50.00
 - 3) Third and subsequent offenses 75.00, plus a cease and desist order enforced forthwith by the police department.

(Rev. Ords. 1973, § 11-13(c); Ord. No. 166, 4-16-91)

(d) Yard and Garage Sale Signs.

- (i) Yard and garage sale permittees shall be allowed to erect temporary signs for the purpose of advertising the event, provided such signs are not erected more than forty-eight (48) hours before the beginning of the yard or garage sale, and provided they are taken down within twenty-four (24) hours of the end of the yard or garage sale. Permittees that fail to adhere to the restrictions of this paragraph shall be subject to the penalties Article I.

(Ord. No. 57, 6-20-2007)

Section 17.16 Christmas Trees

(a) License required.

- (i) No person shall engage in the sale of Christmas trees without first obtaining a license from the City Council and paying a license fee therefor.

(Ord. No. 582, 11-19-90)

Section 17.17 Denial for Failure to Pay Taxes

(a) Denial of license.

- (i) The city Finance Director shall annually furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any persons, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any other local taxes, fees, assessments, betterments, or other municipal charges who have not paid said local taxes, fees, assessments, betterments, or other municipal charges for over a twelve-month period. This article shall not apply to any party who has filed in good faith a pending application for an abatement of such tax or has a pending petition before the appellate tax board.
- (ii) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector, provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given hearing, to be held not earlier than fourteen (14) days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate. This article shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and thirty seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and

theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

- (iii) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.
- (iv) The City Council may waive such denial, suspension or revocation if it finds that is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty eight in the business or activity conducted in or on said property.

(Ord. No. 429, 10-19-92)

ARTICLE XVIII. MOTOR BUSES AND HACKNEY CARRIAGES

State law references-Common carriers generally, M.G.L. c. 159, § 1 et seq.; carriers of passengers, M.G.L. c. 159A, §§ 1 - 16; municipal authority to regulate carriages and vehicles, M.G.L. c. 40, § 22.

Section 18.01 License

- (a) Required
 - (i) No person shall operate any motor bus upon any public way or street in the city for the carriage of passengers for hire, in such manner as to afford a means of transportation similar to that afforded by a street railway company, by the indiscriminate receiving and discharging of passengers along the route on which the vehicle is operated or may be running, or for transporting passengers for hire as a business between fixed and regular termini, without first obtaining a license therefor from the City Council subject to the approval of the Mayor in writing endorsed thereon.

(Rev. Ords. 1973, § 14-1)

State law reference-License fee not to exceed ten dollars, M.G.L. c. 159A, §1.

Section 18.02 Application.

- (a) Every applicant for a license under this division shall file with the city clerk a written application which shall set forth:
 - (i) Name and business address of owner;

- (ii) Description of each route in detail by highways;
- (iii) Termini of each route;
- (iv) A list of all bridges of ten (10) feet or more clear span over which busses are to be operated;
- (v) Motor busses to be operated, with a description of each as follows:
 - 1) Number of busses;
 - 2) Make and type of busses;
 - 3) Weight of heaviest bus to be operated.

(Rev. Ords. 1973, § 14-2)

Section 18.03 Compliance with laws, rules and regulations.

- (a) The license required by this division shall not become operative until the licensee named therein shall have complied with all the provisions of the General Laws, applicable thereto, and all rules, terms and conditions for the operation of motor vehicles for the carriage of passengers for hire adopted by the department of public utilities and such amendments and additions thereto as may be made from time to time so far as the same are applicable.

(Rev. Ords. 1973, § 14-3)

Section 18.04 Confined to routes designated; change of routes.

- (a) Persons making applications for the license to operate the vehicle hereunder shall designate the route over which they desire to operate, and the licensee shall operate such motor vehicle only over such route as shall be approved by the City Council. Such route may be changed only with the consent or approval of the City Council, except in the case of an emergency the route may be changed by the chief of police, who shall be the sole judge as to whether an emergency exists.

(Rev. Ords. 1973, § 14-5)

State law reference-License required to specify route of operation, M.G.L. c. 159A, § 2.

Section 18.05 Qualifications of operators.

- (a) No person shall operate any such motor vehicle licensed under this article within the city unless he shall be at least twenty-one (21) years of age, and unless he shall hold, in effect at the time of such operation, a license from the proper authorities of the Commonwealth.

(Rev. Ords. 1973, § 14-6)

State law reference—Operator's qualifications and license, M.G.L. c. 159A, § 9.

Section 18.06 Solicitation of passengers.

- (a) No person operating any motor vehicle licensed under this article shall solicit passengers by outcry or make any noise for the purpose of soliciting passengers.

(Rev. Ords. 1973, § 14-7)

Section 18.07 When passengers may be refused.

- (a) No person operating any motor vehicle licensed under this article shall refuse to carry any person offering himself to be carried as a passenger therein unless the seats of the same are fully occupied and the number of passengers thereon is the number allowed the operator to be carried at one (1) time, or unless such person is intoxicated or disorderly.

(Rev. Ords. 1973, § 14-8)

Section 18.08 Conduct of operators and passengers.

- (a) No person operating any motor vehicle licensed under this article shall collect fare, make change or discharge passengers while such vehicle is in motion; nor shall he have a lighted cigarette, lighted cigar or lighted pipe in his possession while any passenger is being carried therein, nor drink any intoxicating beverage of any kind, or be under the influence thereof, while engaged in operating such vehicle. No person, while a passenger, shall talk to nor engage in conversation with the operator of any such motor vehicle while the same is in operation; nor shall any person be allowed to smoke a pipe, cigar or cigarette or spit upon the floor of the motor vehicle while a passenger thereon. (Rev. Ords. 1973, § 14-9)
- (b) No passenger shall ride upon any fender, dash, top, step or running board of any motor vehicle licensed under this article.

(Rev. Ords. 1973, § 14-10)

State law reference-Riding on part of bus not intended for passengers, M.G.L. c. 85, § 17B.

Section 18.09 Stopping at railroad tracks.

- (a) Every motor vehicle licensed under this article shall come to a full stop thirty (30) feet immediately before crossing the tracks of any railroad grade.

(Rev. Ords. 1973, § 14-11)

Section 18.10 Keeping vehicles in proper condition.

- (a) Every motor vehicle licensed under this article shall be kept in a safe and proper condition for use in such operation, and to that end the chief of police, or any of his representatives or agents, shall have the right to examine any such motor vehicle at any time.

(Rev. Ords. 1973, § 14-12)

Section 18.11 Revocation.

- (a) Any license granted under this division may be revoked by the City Council after public notice and a hearing, for good and sufficient reasons to be stated in the order therefor, subject to the provisions of chapter 159A, section 4 of the General Laws or any other provision of the General Laws applicable thereto.

(Rev. Ords. 1973, § 14-4)

ARTICLE XIX. TAXICABS AND LIVERIES

State law reference-Motor vehicles carrying passengers for hire, M.G.L. c. 159A, §§ 1 - 16.

Section 19.01 Definitions

- (a) Beverly Police Officer: An individual appointed by the Police Chief to carry out the functions of the Beverly Police Department, including but not limited to, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest and prosecution of violators of the law, the property enforcement of all laws and ordinances and the effective delivery of police services.
- (b) Chief of Police or his designee shall mean the Police Chief or a person or persons designated by him who holds the rank of Sergeant or above in the Beverly Police Department and is assigned by the Police Chief to oversee the regulation of Taxis and Liveries.
- (c) Licensed Driver: A person, also referred to as a “Driver”, granted a license by the Chief of Police to operate a Taxi or Livery.
- (d) Medallion—a/k/a Vehicle License: The License issued by the City Council permitting a single, identified vehicle to be used as a taxi or livery.
- (e) Medallion Owner a/k/a Licensed Owner: An individual, also referred to as an “Owner” or “Vehicle Owner” who has been deemed a suitable individual by the City Council to own a Taxi Medallion and who has been issued one or more medallions.
- (f) Livery: A passenger motor vehicle bearing a livery registration issued by the Registry of Motor Vehicles and that is hired for general passenger-carrying use.

The services provided by this type of vehicle may be secured only by request made to a dispatcher no less than two (2) hours before pickup of passengers within the City of Beverly or under a standing contract/agreement to provide transportation services from time to time.

- (g) Police Chief: An individual appointed by the Mayor of the City of Beverly who commands the Beverly Police Department and has powers over licenses granted by such Department.
- (h) Taxi: A private passenger motor vehicle bearing a Taxi Registration issued by the Registry of Motor Vehicles, and that is hired for general passenger-carrying use, and is equipped with a taximeter. The service provided by this type of vehicle may be secured by a call to a dispatcher without restriction as to time or may be “hailed” on any public way within the City.
- (i) Way or Public Way: Any public way or private way laid out for public use, any way dedicated to public use, or any place to which the public has a right of access as invitees or licensees.

(Ord. No. 186, 11-21-2011)

Section 19.02 Licenses Required

- (a) Each vehicle operated as a taxi or livery in Beverly must be duly licensed by the City Council. The City Council may issue grant upon condition, withhold or revoke any such license at its discretion.
- (b) Each vehicle license (medallion) shall expire on the first business day of January each year.
- (c) Each operator/driver of a taxi or livery shall obtain an operator’s license from the Chief of Police or his designee. The Chief of Police or his designees shall only issue operator’s licenses to persons eighteen (18) years of age or older they, in their singular discretion, deem appropriate persons to operate such vehicle. Such licenses and their issuance shall be subject to the following:
 - (i) Possession of valid Massachusetts’ driver’s license required. Any person who wishes to obtain a temporary or permanent taxicab license must first possess a valid Massachusetts driver’s license.
 - (ii) Outstanding fines. No taxicab driver’s license shall be issued to any applicant who owes outstanding fines for parking tickets, excise taxes, or any other fines that would cause that person’s Massachusetts’ driver’s license to be placed in a status of nonrenewable, until all matters have been cleared by the Registry of Motor Vehicles.

- (iii) License. Persons who wish to be employed as taxicab drivers shall first obtain a license. A license may be issued after the Chief of Police, or designee, has investigated the applicant thereof and reviewed his record from the board of probation and conducted a personal interview. Such license may be granted to suitable persons by the Chief of Police or his designee.
- (iv) Background investigation. All applicants for a Hackney Carriage, Taxi, Livery or Limousine license shall first be subject to a background investigation to determine suitability for the position.
- (v) Record of service. All operators of vehicles licensed under this section shall maintain with the vehicle a record of calls for service indicating the date and time of pickup and drop-off, the starting point and destination of the passenger. The operator of the vehicle shall offer for inspection said record forthwith upon demand from any Beverly police officer. Such operator's records shall be maintained and preserved by the medallion owner for a period of ninety days and shall be subject to inspection by and made accessible to the Chief of Police or his designee at his/their request.
- (vi) No driver under this section shall pick up or initiate a conveyance for hire unless they are issued a license to do so by the City of Beverly
- (vii) Revocation. Any driver found in violation of any of the provisions of this ordinance and after a hearing by the Chief of Police or his Designee on the alleged violation shall be subject to a fine of fifty dollars (\$50.00) and his license to operate shall be revoked at the discretion of the Chief of Police.
- (viii) The Chief of Police may, but shall not be required to establish additional guidelines for the issuance of operator's licenses.

(Ord. No. 186, 11-21-2011)

Section 19.03 Taxi Licenses/Medallions

All taxi licenses/medallions shall be subject to the following:

- (a) One off-street parking space shall be required per license granted.
- (b) Each parking space for each vehicle shall be a minimum of nine (9) feet in width by eighteen (18) feet in length, or the length and width of the vehicle licensed, whichever is greater.
- (c) The applicant's principal place of business for the licensed activity along with the telephone number and mailing address (other than Post Office box rental) shall be the same address.
- (d) The applicant shall provide the City Council with a Certificate of Insurance in the amount of one million (\$1,000,000.00) dollars, which must include a statement of

the insurance company indicating that the policy shall not be cancelled without a minimum fourteen (14) days notice to the City Council or City Clerk.

- (e) All taxi vehicles must be safe and clean.
- (f) All taxi vehicles shall be conspicuously marked as a taxi, and include the name of the medallion owner on each side in letters not less than two (2) inches high and further must have an illuminated sign on the roof for use during hours of darkness indicating that such vehicle is a taxi.
- (g) The name of the owner and the name of the driver, his address, together with a picture of the driver as well as a schedule of rates as set by the Ordinance shall be posted conspicuously in every such vehicle.
- (h) Each taxi shall be equipped with an operational taximeter capable of calculating separate fares for at least four passengers simultaneously.
- (i) It shall be the duty of every medallion owner operating a taxi, and also the driver thereof, to keep the taximeter operating at all times within such standard of accuracy as may be prescribed from time to time by the sealer of weights and measures of the City of Beverly. Any taxi operating without a taximeter, sealed and inspected by the sealer of weights and measures, shall be in violation of this section.
- (j) Every taximeter shall be inspected and tested for accuracy by the sealer of weights and measures at least once every twelve (12) months. Upon the completion of the inspection and of any adjustments necessary to cause the taximeter to operate within the standards of accuracy approved by the sealer of weights and measures, the sealer of weights and measures shall cause to be placed upon the meter a seal or other device with the date of inspection and any other information that he may require.
- (k) In addition to subsection (10), every taximeter shall be subject to inspection at any time by the sealer of weights and measures. Upon discovery of any inaccuracy of the taximeter, the operator shall remove, or cause to be removed from service, the vehicle equipped with the taximeter until the taximeter has been repaired and the accuracy attested to by the sealer of weights and measures.

(Ord. No. 186, 11-21-2011)

Section 19.04 Livery Licenses

- (a) No person shall set up, use or drive any livery for the purpose for hire within the City, without a license for such livery from the City Council.
- (b) All licenses granted under this article shall expire on the first day of January in the year following the date of the license and no license shall be sold, assigned or

transferred without the approval of the City Council and the appropriate transfer fee. The City Council may issue, issue with conditions, or revoke all such licenses so granted at its sole discretion.

- (c) The applicant shall provide the City Council with a Certificate of Insurance in the amount of one million (\$1,000,000.00) dollars which must include a statement of the insurance company indicating that the policy shall not be cancelled without a minimum fourteen (14) days notice to the City Council or City Clerk.
- (d) All livery vehicles must be safe and clean.

(Ord. No. 186, 11-21-2011)

Section 19.05 Rates--Taxis

- (a) The minimum and maximum rates of fares to be charged by taxis licensed in the provisions of this Ordinance shall be as follows:
 - (i) For six-tenths of one mile or fraction thereof \$4.00
 - (ii) For each additional 1/fifth mile \$0.25
 - (iii) For each additional passenger over two \$0.50
- (b) Any person fifty-nine (59) years of age or older, with proper identification of same, shall receive a discount of twenty (20) percent from the amount registered on the taximeter.
- (c) The fixed rate for waiting time shall be twenty dollars (\$20.00) per hour, five dollars (\$5.00) for every fifteen (15) minutes or portion thereof. Waiting time shall mean the time consumed while the taxicab is not in motion at the direction of the passenger, provided, however, no charge shall be made for time lost through traffic interruptions or for delays caused by the inefficiency of the taxicab or its driver.

(Ord. No. 186, 11-21-2011)

Section 19.06 Rates--Liveries

Fees for livery services must be fair and reasonable. The charging of unfair or unreasonable fees may result in revocation of a livery license.

(Ord. No. 186, 11-21-2011)

Section 19.07 General Regulations

- (a) Any operator licensed according to the provisions of this article shall at all times conduct himself/herself in a courteous manner. Use of indecent, profane or

insulting language toward any person is prohibited. Every driver shall be suitably dressed, neat and clean in appearance.

- (b) No operator of any taxi licenses under this article shall refuse to carry any person offering himself/herself to be carried as a passenger therein unless the seats of same are fully occupied, unless such person is intoxicated or disorderly, or the operator of the taxi has good cause to believe that such person is acting in an unlawful manner.
- (c) Operators of taxis and liveries shall obey all laws, and ordinances, rules and regulations, and rules of the road pertaining to the operation of vehicles on public ways.
- (d) Operators of taxis and liveries shall not use tobacco products or consume alcoholic beverages while operating said vehicles.
- (e) No operator of a taxi shall park or permit such vehicles to stand for hire in any place other than the taxi stands designated by the City from time to time. No livery shall stand or park in any space designated a taxi stand.

(Ord. No. 186, 11-21-2011)

Section 19.08 Inspections

- (a) All taxis and liveries may be, and are subject to, inspection by the Chief of Police or his designee once each quarter or at any time upon reason to believe that such vehicle is not being operated and/or maintained in compliance with this ARTICLE XIX.
- (b) Failure to submit to such inspection shall be cause for the immediate revocation of by the Chief of Police or his designee of the vehicle license/medallion issued to such vehicle. Appeals of such action by the Chief of Police or his designee shall be made to the City Council.
- (c) Until such time as such appeal is heard by the City Council, such license shall remain revoked. Nothing in this section shall prohibit the Chief of Police or his designee from restoring a vehicle license/medallion before such appeal is heard by the City Council.

(Ord. No. 186, 11-21-2011)

Section 19.09 Fees

- (a) A non-refundable fee of \$10 shall be paid to the City of Beverly at the time of initial application and any subsequent re-application to the Chief of Police for an operator's license.

- (b) A fee of \$50 shall be paid to the City of Beverly at the time of issuance of any medallion/taxi license/livery license approved by the City Council.

(Ord. No. 186, 11-21-2011)

Section 19.10 Violations

Any violation of the provisions of this ARTICLE XIX shall subject the offender to a fine of \$300.00 and may result in the revocation of any operator's, taxi, or livery license previously issued by the Chief of Police or City Council.

(Ord. No. 186, 11-21-2011)

ARTICLE XX. RESERVED

Section 20.01 Reserved

ARTICLE XXI. MOTOR VEHICLES AND TRAFFIC

Section 21.01 Definition.

- (a) For the purposes of this chapter, the words and phrases used herein shall have the following meanings except in those instances where the context clearly indicates a different meaning:
 - (i) *Bus stop* means an area in the roadway set aside for the berthing and parking of buses.
 - (ii) *Crosswalk* means that portion of a roadway ordinarily included within the prolongation or connection of curblines and property lines at intersections, or at any portion of a roadway clearly indicated for pedestrian crossing by lines on the road surface or by other markings or signs.
 - (iii) *Emergency vehicles* means vehicles of the fire department (fire patrol), police vehicles, ambulances and emergency vehicles of federal, state and municipal departments or public service corporations as are commonly recognized as such.
 - (iv) *Funeral* means any procession of mourners properly identified as such accompanying the remains of a human body.
 - (v) *Intersection* means the area embraced within the extensions of the lateral curblines, or, if none, then the lateral boundary lines, of intersecting ways as defined in chapter 90, section 1 of the General Laws, including divided ways. The rules and regulations herein contained governing and restricting the

movement of vehicles at and near intersecting ways shall apply at any place along any way at which drivers are to be controlled by traffic-control signals, whether or not such place is an intersection as herein defined.

- (vi) *Lane* means a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles.
- (vii) *Officer* means any police officer authorized to make arrests, or any investigator, examiner or inspector of the registry of motor vehicles; provided, he is in uniform or has his badge of office displayed over his left breast and upon his outer garment.
- (viii) *Official traffic signals* means all signals, conforming to the standards as prescribed by the department of public works of the Commonwealth, not inconsistent with this chapter or other ordinances of the city, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing or warning traffic.
- (ix) *Official traffic signs* means all signs, markings and devices, other than signals, not inconsistent with this chapter or other ordinances of the city, and which conform to the standards prescribed by the department of public works of the Commonwealth and placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.
- (x) *Parking* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to an officer or traffic signs or signals, or while making emergency repairs or, if disabled, while arrangements are being made to move such vehicle.
- (xi) *Pedestrian* means any person afoot or riding on a conveyance moved by human power.
- (xii) *Roadway* means that portion of a street or highway between the regularly established curblines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.
- (xiii) *Service zone* means an area in the roadway set aside for the accommodation of commercial and transient vehicular traffic.
- (xiv) *Sidewalk* means that portion of a street or highway set aside for pedestrian travel.
- (xv) *Street or highway* means the entire width between property lines of every way open to the use of the public for purposes of travel.

- (xvi) *Taxicab stand* means an area in the roadway in which certain taxicabs are required to park while waiting to be engaged.
- (xvii) *Traffic* means pedestrians, ridden animals, vehicles, streetcars or other conveyances either single or together while using any street or highway for the purpose of travel.
- (xviii) *Traffic control signal* means any device using colored lights which conforms to the standards as prescribed by the department of public works of the Commonwealth whether manually, electrically or mechanically operated, by which traffic may be alternately directed to stop and to proceed.
- (xix) *Traffic island* means any area or space set aside, within a roadway, which is not intended for use by vehicular traffic.
- (xx) *U-turn* means the turning of a vehicle by means of a continuous left turn whereby the direction of such vehicle is reversed.
- (xxi) *Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway, except devices moved by human power or used exclusively upon stationary rails or tracks.
- (xxii) *Parking meter* means any mechanical device, not inconsistent with the provisions of this division, and placed or erected on any public way within the city for the regulation of parking. Each parking meter installed shall indicate by proper legend the legal parking time established by this division and when operated shall at all times indicate the balance of legal parking time permitted and at the expiration of such period shall indicate illegal or overtime parking.
- (xxiii) *Parking meter space* means any space within a parking meter zone. adjacent to a parking meter which is duly designated for the parking of a single vehicle by lines painted on the surface of the street adjacent to or adjoining each parking meter.
- (xxiv) *Parking meter zone* means any street or portion thereof upon which parking meters are installed and are in operation and upon which parking of vehicles is permitted for a limited time subject to compliance with the further provisions of this division.

State law reference-Definitions for state vehicle law, M.G.L. c. 90, § 1.

Section 21.02 Sole purpose of advertising prohibited.

- (a) No person shall operate or park a vehicle on any street or highway for the sole purpose of displaying advertising signs.

(Rev. Ords. 1973, § 15-2)

Section 21.03 Block parties, parades, processions.

- (a) No block party, parade or procession, excepting the military forces of the United States, the military forces of the Commonwealth and the forces of the police and fire departments, shall occupy, march or proceed along any way except in accordance with a permit issued by the chief of police.

(Rev. Ords. 1973, § 15-4)

Section 21.04 Road races, walk-a-thons, marathons.

- (a) No person, organization, or group shall form, arrange, or conduct a road race, walk-a-thon, or marathon on any way in the city without a permit issued by the chief of police.

(Rev. Ords. 1973, § 154A)

Section 21.05 Clinging to moving vehicles.

- (a) It shall be unlawful for any person traveling upon a bicycle, coaster, sled, roller skates or any toy vehicle to cling to, or attach himself or such conveyance, to any other moving vehicle or streetcar upon any roadway.

(Rev. Ords. 1973, § 15-6)

- (b) Sec. 14-6. Prohibited riding.

- (i) No person shall ride on any train or bus upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty.

(Rev. Ords. 1973, § 15-7)

State law reference-Riding prohibited on certain areas of buses, M.G.L. c. 85, §17B.

Section 21.06 Zones of quiet.

- (a) The chief of police may temporarily establish a zone of quiet upon any street where a person is seriously ill, if requested to do so by the written statement of at least two (2) registered physicians certifying to its necessity. Such temporary zone of quiet shall embrace all territory within a radius of two hundred (200) feet of the building occupied by the person named in the request of the physicians. Such temporary zones of quiet shall be designated by the police by placing at a conspicuous place in the street a sign or marker bearing the words "Zone of Quiet."
- (b) No person operating a motor vehicle within any designated and signed zone of quiet shall sound the horn or other warning device of the vehicle except in an

emergency, nor shall any person make any loud or unusual noise or play any music within or upon any of the streets, alleys or public places in any such zone of quiet.

(Rev. Ords. 1973, § 15-8)

Section 21.07 Accident reports.

- (a) The driver of any vehicle involved in an accident resulting in the injury or death of any person or property damage to an apparent total extent in excess of one thousand dollars (\$1,000.00) or more to any one (1) vehicle or other property shall report such accident to the registrar of vehicles and to the city police department in conformance with the requirements of chapter 90, section 26 of the General Laws.

(Rev. Ords. 1973, § 15-9)

State law reference-Similar provisions, M.G.L. c. 90, § 26.

Section 21.08 Witnesses etc., to furnish information regarding accidents.

- (a) Witnesses and all persons involved in any traffic accident shall upon the request of an officer furnish their names and addresses and such other information relevant to such traffic accident as they possess.

(Rev. Ords. 1973, § 15-10)

Section 21.09 Owner prima facie responsible for violations.

- (a) If any vehicle is found upon any street or highway in violation of any provision of this chapter and the identity of the driver cannot be determined, the owner or the person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

(Rev. Ords. 1973, § 15-11)

Section 21.10 Penalty for violation.

- (a) Except as otherwise provided, any person convicted of a violation of any provision of this chapter shall be punished by a fine of not more than two dollars (\$2.00) for the first offense and not more than thirty-five dollars (\$35.00) for each subsequent offense of a like nature committed during any period of one (1) year.

(Rev. Ords. 1973, § 15-12; Ord. No. 30, 9-18-89)

Section 21.11 Property under control of the Beverly harbor management authority.

- (a) No person shall park a vehicle on any of the roads or ways located on any property under control of the harbor management authority when prohibited to do so by designated signs.
- (b) No person shall operate a vehicle on any of the roads or ways above the speed of eight (8) miles per hour.
- (c) The police department shall enforce all provisions of this section as well as ensuring compliance with posted parking, pedestrian and vehicular directions in order to eliminate hazardous conditions.

(Ord. No. 259, § 1, 5-2-88)

Section 21.12 Authority and Duties of Police

- (a) Police to direct traffic.

- 1) It shall be the duty of the police department to enforce the provisions of this chapter. Officers of the police department are hereby authorized to direct all traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter, provided that in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this chapter or any other ordinance of the city.

(Rev. Ords. 1973, § 15-13)

- (b) Closing streets temporarily.

- 1) The chief of police may close temporarily any street or highway in an impending or existing emergency, or for any lawful assemblage, demonstration or procession, provided there is reasonable justification for the closing of such street.

(Rev. Ords. 1973, § 15-14)

- (c) Prohibiting parking temporarily.

- 1) The chief of police may prohibit, temporarily, parking on any street or highway or part thereof in an impending or existing emergency, or for a lawful assemblage, demonstration or procession, provided there is reasonable justification for such prohibition. Vehicles parked in places where parking is prohibited temporarily may be moved by or under the direction of an officer.

(Rev. Ords. 1973, § 15-15)

- (d) Obedience to police.

- 1) Drivers of vehicles shall comply with any lawful or reasonable order, signal or direction of any officer.

(Rev. Ords. 1973, § 15-16)

(e) Exemptions.

- (i) The provisions of this chapter shall not apply to drivers operating in conformity with the direction of an officer; to drivers actually engaged in work upon a street or highway closed to travel or under construction or repair when the nature of their work necessitates a departure from any part of this chapter; to officers when engaged in the performance of public duties which necessitate a departure from any part of this chapter; nor to drivers of emergency vehicles while operating in an emergency and in performance of public duties which necessitate a departure from any part of this chapter. These exemptions shall not, however, protect the driver of any vehicle from the consequence of a reckless disregard of the safety of others.

(Rev. Ords. 1973, § 15-17)

State law reference-Operation of emergency vehicles, M.G.L. c. 89, § 7B.

(f) Accident record file.

- (i) The police shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location.
- (ii) As the accidents at any particular location become numerous, the police shall study such accidents and inform the Mayor and City Council of their findings and conclusions.

(Rev. Ords. 1973, § 15-18)

(g) Driver file.

- (i) The police shall maintain a suitable file in which a record of all traffic accidents, warnings, arrests, convictions and complaints are filed alphabetically under the name of the driver concerned.
- (ii) The police shall study the cases of all drivers having bad records, attempt to discover the causes and take whatever steps are lawful and reasonable to eliminate such causes or to have the licenses of such persons to drive, suspended or revoked

(Rev. Ords. 1973, § 15-19)

(h) Annual traffic safety report.

- (i) The police shall submit a traffic safety report annually in the month of January to the Mayor and City Council covering:
 - 1) The number of traffic accidents, the number of persons killed and injured and other pertinent traffic accident data;
 - 2) The number of traffic accidents investigated, the number of hazardous locations studied, the number of drivers with bad records interrogated and other pertinent data on the safety activities of the police;
 - 3) The plans and recommendations for future traffic safety activities.

(Rev. Ords. 1973, § 15-20)

- (i) Emergency and experimental regulations.
 - (i) For purposes of trial, the City Council, and/or the chief of police, may make temporary rules regulating traffic, or test under actual conditions, traffic signs, signals, markings or other devices. No such emergency or experimental rule regulating traffic shall remain in effect for a period of time longer than thirty (30) days.

(Rev. Ords. 1973, § 15-21; Ord. No. 333, 9-5-89)

- (j) Traffic Signs, Signals, Markings and Zones

State law reference-Signs, signals and markings, M.G.L. c. 85, §§1, 2, 21A.

- (i) Placement, erection, maintenance.
 - 1) (a) The chief of police is hereby authorized, and as to those signs and signals required hereunder it shall be his duty, to place or cause to be placed all official traffic signs, signals and markings. All signs, signals and markings shall conform to the standards as prescribed by the department of public works of the Commonwealth and shall be erected and maintained under the direction of the Director of Public Services of the city.
- (ii) The following subsections of this section entitled Closing Street Temporarily and Prohibiting Parking Temporarily and the following subsections of the following section entitled Prohibited on Certain Streets-At All Times, Same During Certain Months, Same During Certain Hours, Fifteen-Minute Parking, One-Hour Parking, Two-Hour Parking, Off-Street Parking –Generally, inclusive, and subsections entitled Bus Stops, Taxi Cab Stands, and Service and Loading Zones relating to parking shall be effective only during such time as official signs are erected and maintained in each block designating the provisions of such sections and located so as to be easily visible to approaching drivers. A sufficient number of such signs shall be provided so that a car cannot

be parked in a limited or prohibited parking place without having the legend side of such a sign, clearly setting forth the parking regulation thereat, visible from that location.

- (iii) The subsection of this section entitled One-Way Streets shall be effective only during such time as a sufficient number of official signs are erected and maintained at each of the exits for each one-way street, so that at least one (1) sign will be clearly visible for a distance of at least seventy-five (75) feet to drivers approaching such an exit.

(Rev. Ords. 1973, § 15-22)

- (iv) Display of unauthorized signs, signals and markings prohibited.

- 1) It shall be unlawful for any person to place or maintain or to display upon or in view of any street any unofficial sign, signal or marking which purports to be or is an imitation of or resembles an official traffic sign, signal or marking, or which attempts to direct the movement of traffic or which hides from view any official sign or signal. The chief of police is hereby empowered to remove every such prohibited sign, signal or marking or cause it to be removed, without notice.

(Rev. Ords. 1973, § 15-23)

- (v) Interference with signs, signals and markings prohibited.

- 1) It shall be unlawful for any person to willfully deface, injure, move, obstruct or interfere with any official traffic sign, signal or marking.

(Rev. Ords. 1973, § 15-24)

- (vi) Traffic-control signal legend.

- 1) Colors and arrow indications in traffic-control signals shall have the commands ascribed to them in this section, and no other meanings, and every driver of a vehicle, railway car or other conveyance shall comply therewith, except when otherwise directed by an officer or by a lawful traffic regulating sign (other than a stop sign), signal or device, or except as provided in section 14-93. In no case shall a driver enter or proceed through an intersection without due regard to the safety of other persons within the intersection regardless of what indications may be given by traffic-control signals:
 - a) Green. While the green lens is illuminated, drivers facing the signal may proceed through the intersection, but shall yield the right-of-way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited. Drivers of vehicles making a right or left turn shall yield the right-of-way to pedestrians crossing with the flow of traffic.

- b) Right, left and vertical green arrows. When a right green arrow is illuminated, drivers facing such signal may turn right. When a left green arrow is illuminated, drivers facing such signal may turn left. When a vertical green arrow is illuminated, drivers facing such signal may go straight ahead. When a green arrow is exhibited together with a red or yellow lens, drivers may enter the intersection to make the movement permitted by the arrow, but shall yield the right-of-way to vehicles and pedestrians proceeding from another direction on a green indication.
- c) Yellow. When the yellow lens is illuminated, waiting drivers shall not proceed and any driver approaching the intersection or a marked stop line shall stop at such point, unless so close to the intersection that a stop cannot be made in safety; provided, however, that if a green arrow is illuminated at the same time, drivers may enter the intersection to make the movement permitted by such arrow.
- d) Red. Traffic facing a steady circular red signal alone shall stop at a clearly marked stop line; or if none, before entering the crosswalk on the near side of the intersection; or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as allowed by chapter 89, section 8 of the General Laws.
- e) Red and yellow. While the red and yellow lenses are illuminated together, drivers shall not enter the intersection, and during such time the intersection shall be reserved for the exclusive use of pedestrians.
- f) Flashing red. When a red lens is illuminated in a traffic-control signal by rapid intermittent flashes, and its use has been specifically authorized by the Department of Public Services, drivers shall stop before entering the nearer line or crosswalk of the street intersection, or at a stop line when marked, and the right to proceed shall then be governed by provisions of chapter 89, section 8 of the General Laws.
- g) Flashing yellow. A flashing yellow lens shall indicate the presence of a hazard and drivers may proceed only with caution.
- h) Flashing green. A flashing green lens shall indicate an intersection or pedestrian crosswalk in use or subject to use by entering or cross traffic. Drivers may proceed only with caution and shall be prepared to comply with a change in the signal to a red or yellow or red and yellow indication.

(Rev. Ords. 1973, § 15-37)

(k) Through streets designated.

- (i) In accordance with the provisions of chapter 89, section 9 of the General Laws, the following streets or parts of streets are hereby declared to be throughways:

Bridge Street, from River Street to Danvers line.
Hale Street, from Atlantic Avenue to Lothrop Street.
Hale Street, from Lothrop Streets to Chapman's Corner.
Lothrop Street, from Stone Street to Hale Street.
Rantoul Street, the entire length. (Rev. Ords. 1973, § 15-34)

(l) Obedience to isolated stop signs.

- (i) Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "STOP" or a flashing red signal indication, such sign or signal having apart from these rules and orders the written approval of the department of public works, and such approval being in effect, shall, before proceeding through the intersection, bring such vehicle, railway car or other conveyance to a complete stop at such point as may be clearly marked by a sign or line, or if a point is not so marked, then at the nearer line or crosswalk of the intersection. This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device, or as otherwise provided in; section 14-93.
- (ii) In accordance with the foregoing, the erection and maintenance of an isolated stop sign or flashing red signals, as the case may be, are authorized so as to face:

Abbott Street. East and westbound drivers on Abbott Street at Lovett Street.
Abbott Street. Westbound drivers on Abbott Street at Cabot Street.
Abbott Street. Westbound drivers on Abbott Street at Endicott Street (Monument Square).
Adams Avenue. Northeast and southwest drivers on Adams Avenue at Taft Avenue.
Airport Road. Eastbound drivers on Airport Road at Cabot Street.
Ames Street. North and southbound drivers on Ames Street at Lyman Street.
Amherst Road. Eastbound drivers on Amherst Road at McKay Street.
Andover Road. Eastbound drivers on Andover Road at Amherst Road.
Appleton Ave. Eastbound drivers on Appleton Avenue at Harrison Avenue.
Appleton Ave. Northeastbound drivers on Appleton Avenue at Baker Avenue.
Arbella Drive. Southbound drivers on Arbella Drive at Hill Street.
Aricia Lane. Northeastbound and southwestbound drivers on Aricia Lane at Middlebury Lane, both ends.
Arthur Street. Eastbound drivers on Arthur Street at Mulberry Street.
Ash Street. Southeastbound drivers on Ash Street at Hull Street.
Ashton Street. Northwestbound drivers on Ashton Street at Bridge Street.
Atlantic Avenue. Southeast and Northwestbound drivers on Atlantic avenue at Lovett Street.
Baker Avenue. North and southbound drivers on Baker Avenue at Pickett Street.
Baker Avenue. Northwestbound drivers on Baker Avenue at Odell Avenue.
Baker Avenue. Southeastbound drivers on Baker Avenue at Essex Street.
Balch Street. Westbound duvers on Balch Street at McKay Street.
Balch Street (Lower). Southeastbound drivers on Batch Street (Lower) at Cabot Street.
Balsam Drive Southwest bound drivers on Fern Street at Holly Lane

Bartlett Street. Northbound drivers on Bartlett Street at Cabot Street.
 Bartlett Street. Eastbound drivers on Bartlett Street at Lothrop Street.
 Bartlett Street. North and southbound drivers on Bartlett Street at Stone Street.
 Bass River Road. Southeastbound drivers on Bass River Road at Nursery Street, opposite Clifton Avenue.
 Bass River Road. Southeastbound drivers on Bass River Road at Nursery Street, opposite Beacon Street.
 Bates Park Avenue. Dead end section, Northbound drivers on Bates Park Avenue at the intersection of Sylvester Avenue.
 Bates Park Avenue. Northeastbound drivers on Bates Park Avenue at Bridge Street.
 Bay View Avenue. Northwestbound drivers on Bay Blew Avenue at Neptune Street.
 Beach Street. Northwestbound drivers on Beach Street at Hale Street.
 Beach Street. Southbound drivers on Beach Street at West Street.
 Beacon Street. Northwestbound drivers on Beacon Street at Nursery Street.
 Beacon Street. Southeastbound drivers on Beacon Street at County Way.
 Beckford Street. Northbound drivers on Beckford Street at Cabot Street.
 Beckford Street. Southbound drivers on Beckford Street at Elliott Street.
 Belmont Street. Northeastbound and southwestbound drivers on Belmont Street at Echo Avenue.
 Bennett Street. Westbound drivers on Bennett Street at Beckford Street.
 Berrywood Lane. Northwestbound drivers on Berrywood Lane at Dodge Street.
 Bertram Street. Northwestbound drivers on Bertram Street at Odell Avenue.
 Bertram Street. Southeastbound drivers on Bertram Street at Essex Street.
 Beverly Hills Avenue. Southwestbound drivers on Beverly Hills Avenue at Elliott Street.
 Big Rock Lane. Westbound drivers on Big Rock Lane at Montserrat Road.
 Birch Woods Drive. Northbound drivers on Birch Woods Drive at Cross Lane.
 Bisson Street. East and westbound drivers on Bisson Street at East Lothrop Street.
 Bisson Street. Northwestbound drivers on Bisson Street at Essex Street.
 Blake Street. Northeastbound drivers on Blake Street at MacKay Street.
 Boden Street. Eastbound drivers on Boden Street at Cross Street.
 Boden Street. Northwestbound drivers on Boden Street at Lothrop Street.
 Bow Street. Westbound drivers on Bow Street at Park Street.
 Bridge Street. Eastbound drivers on Bridge Street at River Street.
 Brimbal Avenue. Northwest and Southeastbound drivers on Brimbal Avenue at Colon Street.
 Briscoe Street. Northbound drivers on Briscoe Street at Essex Street.
 Broadway. Eastbound traffic on Broadway at Cabot Street.
 Broadway. Westbound traffic on Broadway at Cabot Street.
 Broadway. Westbound drivers on Broadway at Park Street.
 Broadway. Westbound traffic on Broadway at Rantoul Street.
 Broughton Drive. Southwestbound drivers on Broughton Drive at Brimbal Avenue.
 Brown Street. Northeast and Southwestbound drivers on Brown Street at Thorndike Street.
 Budleigh Avenue. Northbound drivers on Budleigh Avenue at Laurel Street.
 Burley Street. Northwestbound drivers on Burley Street at Essex Street.
 Burton Avenue. Northwestbound drivers on Burton Avenue at Essex Street.

Butman Street. North and southbound drivers on Butman Street at Bisson Street.
 Butman Street. Southwestbound drivers on Butman Street at Dane Street.
 Cabot Street. North and southbound drivers on Cabot Street at Conant Street.
 Cabot Street. Southbound drivers on Cabot Street at Rantoul Street.
 Carver Street. East and westbound traffic at Livingstone Avenue.
 Cavendish Square Westerly bound drivers on Cavendish Square at Cross Street
 Cedar Street. Eastbound drivers on Cedar Street at East Street
 Cedar Street. Northwestbound drivers on Cedar Street at Essex Street.
 Centerville School Driveway. Northbound drivers exiting the Centerville School Lot at Hull Street.
 Central Street. East and westbound drivers on Central Street at Lovett Street.
 Chapman Street. Southbound drivers on Chapman Street at Bow Street.
 Chapman Street. North and southbound drivers on Chapman Street at Federal Street.
 Charles Street. Eastbound drivers on Charles Street at Sohler Road.
 Charnock Street. East and westbound drivers on Charnock Street at Essex Street.
 Charnock Street. Southeastbound drivers on Charnock Street at Butman Street.
 Chase Street. North and southbound drivers on Chase Street at Chestnut Street.
 Chase Street. North and southbound drivers on Chase Street at Elliott Street.
 Chase Street. North and southbound drivers on Chase Street at Pond Street.
 Chase Street. North and southbound drivers on Chase Street at Roundy Street.
 Chase Street. North and southbound drivers on Chase Street at West Dane Street.
 Cherry Road. Southbound drivers on Cherry Road at Walker Road.
 Chestnut Street, at Chase Street, stop sign on Chestnut Street
 Chipman Road. Northeastbound drivers on Chipman Road at Conant Street.
 Clark Avenue. Eastbound drivers on Clark Avenue at Sargent Avenue.
 Clifton Avenue. Northwestbound drivers on Clifton Avenue at Nursery Street.
 Cliff Street. Eastbound drivers on Cliff Street at Porter Street.
 Clifton Avenue. Southeastbound drivers on Clifton Avenue at County Way.
 Clifton Ave. Southeastbound end Northwestbound drivers on Clifton Avenue at Tremont Street.
 Cogswell Avenue. Southeastbound drivers on Cogswell Avenue at Essex Street.
 Colby Road. Southeastbound drivers on Colby Road at Dartmouth Street
 Cole Street. Northwestbound drivers on Cole Street at Essex Street.
 Cole Street. Southeastbound drivers on Cole Street at Foster Street.
 Colgate Road. Eastbound drivers on Colgate Road at McKay Street.
 College Lane. Northbound drivers on College Lane at Presidential Circle.
 College Lane. Southbound drivers on College Lane at Dunham Road.
 Colon Street. Eastbound drivers on Colon Street at Essex Street.
 Colon Street. Southwestbound drivers on Colon Street at Cabot Street.
 Colon Street. North and southbound drivers on Colon Street at Brimbal Avenue.
 Columbus Avenue. Westbound drivers on Columbus Avenue at Cabot Street.
 Common Lane. Westbound drivers on Common Lane at Standley Street.
 Conant Street. East and westbound drivers on Conant Street at Cabot Street.
 Congress Street. Eastbound traffic on Congress Street at Cabot Street.
 Coolidge Court. Southeastbound drivers on Coolidge Court at Elliott Street.
 Cornell Road. Eastbound Drivers on Cornell Road at Dartmouth Street.

Cornell Road Extension. Eastbound drivers on Cornell Road Extension at Amherst Road.
 Corning Street. East and westbound drivers on Corning Street at East Lothrop Street.
 Corning Street. Northbound drivers on Corning Street at Essex Street.
 County Way. Northbound drivers on County Way at Elliott Street.
 County Way. Southeastbound drivers on County Way at Bridge Street.
 County Way Extension. Southbound drivers on County Way Extension at Elliott Street.
 Cox Court. Northbound drivers on Cox Court at School Street.
 Cox Court. Southbound drivers on Cox Court at Cabot Street.
 Cox Court. Southbound drivers on Cox Court at Goat Hill Lane.
 Creek Street. Eastbound drivers on Creek Street at Park Street.
 Crescent Avenue. Westbound drivers on Crescent Avenue at Kernwood Avenue.
 Cressey Street. Eastbound drivers on Cressey Street at Elliott Street.
 Cressey Street. Southwestbound drivers on Cressey Street at Bridge Street.
 Dane Street. East and westbound drivers on Dane Street at Essex Street.
 Dane Street. Eastbound and westbound drivers on Dane Street at Knowlton Street
 Dane Street. Northwestbound drivers on Dane Street at Cabot Street.
 Dane Street. Northwestbound drivers on Dane Street at Hale Street, both sides.
 Dane Street. Southeastbound and Northwestbound drivers on Dane Street at Lovett Street, both sides.
 Dartmouth Street. Northbound drivers on Dartmouth Street at Princeton Avenue.
 Davis Road. Northbound drivers on Davis Road at Guild Road.
 Davis Road. Southbound drivers on Davis Road at Elliott Street.
 Davis Street. Northbound drivers on Davis Street at Cabot Street.
 Dearborn Avenue. Northeastbound drivers on Dearborn Avenue at Story Avenue.
 Dearborn Avenue. Southeastbound drivers on Dearborn Avenue at Colon Street.
 Desmond Road. Southbound drivers on Desmond Road at Hull Street.
 Doane Avenue. Northbound drivers on Doane Avenue at Bridge Street.
 Dodge Street. Northwestbound drivers on Dodge Street at Enon Street.
 Dodge Street. Southwestbound drivers on Dodge Street at Enon Street.
 Dodge Street. Westbound drivers on Dodge Street at Cabot Street.
 Dolloff Avenue. Northwestbound drivers on Dolloff Avenue at Bridge Street.
 Dolloff Avenue. Westbound drivers on Dolloff Avenue at Hillcrest Avenue.
 Douglas Avenue. Eastbound drivers on Douglas Avenue at Cabot Street.
 Driscoll Lane. Northbound drivers on Driscoll Lane at Hill Street.
 Dunham Road. Westbound drivers on Dunham Road at Brimbal Avenue.
 Dyer Road. Northeastbound drivers on Dyer Road at Hart Street.
 Eaton Avenue. Westbound drivers on Eaton Avenue at Lindsey Avenue.
 East Street. Southeastbound drivers on East Street at Lothrop Street.
 East Corning Street. Southeastbound drivers on East Corning Street at Neptune Street.
 Eastern Avenue. Northbound drivers on Eastern Avenue at Northern Avenue.
 Eastern Avenue. Southeastbound drivers on Eastern Avenue at Bridge Street.
 Echo Avenue. Northbound traffic on Echo Avenue at Goodyear Street.
 Echo Avenue. Southbound drivers on Echo Avenue at Elliott Street.
 Edwards Street. Eastbound drivers on Edwards Street at Cabot Street.
 Edwards Street, at Rantoul Street, stop sign on Edwards Street.
 Elliott Street. Eastbound drivers on Elliott Street at Cabot Street.

Ellsworth Avenue. Northwestbound drivers on Ellsworth Avenue at Conant Street.
 Ellsworth Avenue. Southeastbound drivers on Ellsworth Avenue at County Way.
 Ellsworth Avenue. Northwestbound and Southeastbound drivers on Ellsworth Avenue at Tremont Street.
 Elm Street. Northbound drivers on Elm Street at Vestry Street.
 Elnew Avenue. Northwestbound drivers on Elnew Avenue at Dodge Street.
 Evelyn Road. Northwestbound drivers on Evelyn Road at Essex Street.
 Everett Street. Northbound drivers on Everett Street at Haskell Street.
 Everett Street. Southeastbound drivers on Everett Street at Hale Street.
 Evergreen Drive. Southbound drivers on Evergreen Drive at Ober Street.
 Fairview Avenue. Northbound drivers on Fairview Avenue at Elliott Street.
 Federal Street. Westbound drivers on Federal Street at Rivers Street.
 Fern Street Southeast bound drivers on Fern Street at Holly Lane
 Fielder Road. Southeastbound drivers on Fielder Road at Colon Street
 Folger Avenue. Northwestbound drivers on Folger Avenue at Bridge Street.
 Forest Street. Northwestbound drivers on Forest Street at Essex Street.
 Forest Street. Southeastbound drivers on Forest Street at Hathaway Avenue.
 Foster Street. Southwest bound drivers on Foster Street at Cole Street.
 Friend Street. North and southbound drivers on Friend Street at Guild Road.
 Friend Street. Southwestbound drivers on Friend Street at Elliott Street.
 Front Street. Westbound drivers on Front Street at Cabot Street.
 Gage Street. Eastbound drivers on Gage Street at Beckford Street.
 Gage Street. Northbound drivers on Gage Street at Mill Street.
 Galloupe Avenue. Northbound drivers on Galloupe Avenue at Elliott Street.
 Gardner Street. Northwestbound drivers on Gardner Street at Essex Street.
 Gardner Street. Southeastbound drivers on Gardner Street at Pearl Street.
 Garfield Avenue. Southeastbound drivers on Garfield Avenue at Western Avenue.
 Gateway Lane. Northbound traffic on Gateway Lane at Hull Street.
 Giles Avenue. Northbound drivers on Giles Avenue at Elliott Street.
 Giles Avenue. Southwestbound drivers on Giles Avenue at Bridge Street.
 Glidden Street. North and southbound drivers on Glidden Street at Blake Street.
 Glidden Street. North and southbound drivers on Glidden Street at Matthies Street.
 Glidden Street. Northeast bound drivers on Glidden Street at McKay Street.
 Glidden Street. Northwest bound drivers on Glidden Street at Goodyear Street.
 Glidden Street. Northwest and Southeastbound drivers on Glidden Street at Sturtevant Street.
 Goat Hill Lane. Westbound drivers on Goat Hill Lane at Cox Court
 Goat Hill Lane. Westbound drivers on Goat Hill Lane at Summit Avenue
 Goldsmith Avenue. Southbound drivers on Goldsmith Avenue at Elliott Street.
 Goodyear Street. Northeastbound traffic on Goodyear Street at Echo Avenue.
 Goodyear Street. Northeastbound drivers on Goodyear Street at McKay Street.
 Grant Street. Eastbound drivers on Grant Street at Beckford Street.
 Grant Street. Westbound drivers on Grant Street at Ropes Street.
 Greene Street. Northeastbound drivers on Greene Street at Elliott Street.
 Greene Street. Northwestbound drivers on Greene Street at Elliott Street.
 Greenwood Avenue. Northeastbound drivers on Greenwood Avenue at Hart Street.

Gregg Street. Southbound drivers on Gregg Street at Bridge Street.
 Groce Street. Northwestbound drivers on Groce Street at Essex Street.
 Groce Street. Southeast traffic on Groce Street at the intersection of Standley Street.
 Grove Street. Eastbound drivers on Grove Street at Beach Street.
 Grove Street. Westbound drivers on Grove Street to Oak Street.
 Grover Street. Southeastbound drivers on Grover Street at Essex Street.
 Guild Road. Westbound drivers on Guild Road at Walcott Road.
 Hale Street. Northbound drivers on Hale Street at Hart Street.
 Hale Street. Northeastbound and Southwestbound drivers on Hale Street at Dane Street, both sides.
 Hale Street. Southbound drivers on Hale Street at West Street.
 Hale Street. Westbound drivers on Hale Street at Cabot Street.
 Hancock Street. Northwestbound drivers on Hancock Street at Essex Street.
 Hancock Street. Southeastbound drivers on Hancock Street at Butman Street.
 Hardy Street. Southbound drivers on Hardy Street at Pleasant Street
 Harris Street. East and westbound drivers on Harris Street at Kernwood Avenue.
 Harris Street. Westbound drivers on Harris Street at Livingstone Avenue.
 Harrison Avenue. Westbound drivers on Harrison Avenue at Cabot Street.
 Harwood Street. Southeastbound drivers on Harwood Street at Essex Street.
 Haskell Street. Northbound drivers on Haskell Street at Hart Street.
 Haskell Street. Southbound drivers on Haskell Street at Hale Street.
 Hathaway Avenue. Southbound drivers on Hathaway Avenue at Burley Street.
 Hawthorne Street. Northwestbound drivers on Hawthorne Street at Odell Avenue.
 Hawthorne Street. Southeastbound drivers on Hawthorn Street at Essex Street.
 Hayes Avenue. Southeastbound drivers on Hayes Avenue at Western Avenue.
 Heather Street. Southeastbound drivers on Heather Street at Colon Street.
 Heather Street. Northwestbound drivers on Heather Street at Herrick Street.
 Henderson Avenue. Westbound drivers on Henderson Avenue at Story Avenue.
 Herrick Street. Southwestbound drivers on Herrick Street at Cabot Street.
 Herrick Street Extension. Northeastbound drivers on Herrick Street Extension at Brimbal Avenue.
 Hersey Avenue. Southwestbound drivers on Hersey Avenue at Bridge Street.
 Hickory Lane. Southeastbound drivers on Hickory Lane at Hull Street.
 High Street. Northwestbound drivers on High Street at Hale Street.
 Hillcrest Avenue. Northbound drivers on Hillcrest Avenue at Bridge Street.
 Hillside Avenue. Northbound drivers on Hillside Avenue at Elliott Street.
 Hillside Avenue. Southeastbound drivers on Hillside Avenue at Bridge Street.
 Holding Street. Northwestbound drivers on Holding Street at Western Avenue.
 Holly Lane Northeast bound drivers on Holly Lane at Fern Street
 Home Street. Westbound drivers on Home Street at Rantoul Street.
 Hull Street. Westbound drivers on Hull Street at Essex Street.
 Hull Street. Northbound drivers on Hull Street at Essex Street.
 Independence Circle. Southbound drivers on Independence Circle at Grover Street.
 Iverson Road. Northeast and Southwestbound drivers on Iverson Road at Parramatta Road.
 Iverson Road. Southwestbound drivers on Iverson Road at Corning Street.

Jackson Street. Northwestbound drivers on Jackson Street at Essex Street.
 Jackson Street. Southeastbound drivers on Jackson Street at Butman Street.
 James Street. Southbound drivers on James Street at Pratt Avenue.
 Jenness Street. Westbound drivers on Jenness Street at McKay Street.
 Judson Street. Eastbound drivers on Judson Street at Mulberry Street.
 Judson Street. Westbound drivers on Judson Street at Chase Street.
 Juniper Street. Southwestbound drivers on Juniper Street at Hale Street.
 Kelleher Road. Northwestbound drivers on Kelleher Road at Essex Street.
 Kennedy Drive. Northbound drivers on Kennedy Drive at Virginia Avenue.
 Kennedy Drive. Southbound drivers on Kennedy Drive at Hayes Avenue.
 Kennel Hill Drive. Northbound drivers on Kennel Hill Drive at Hull Street.
 Kernwood Avenue. Northbound drivers on Kernwood Avenue at Bridge Street.
 Kernwood Avenue. North bound drivers and south bound drivers on Kernwood Avenue at Harris Street.
 Kernwood Avenue. Southbound drivers on Kernwood Avenue at Bridge Street.
 Kernwood Heights. Northbound drivers on Kernwood Heights at Woodland Avenue.
 Kittredge Street. Southwestbound drivers on Kittredge Street at Cabot Street.
 Knowlton Street. Northbound drivers on Knowlton Street at Charnock Street.
 Knowlton Street. North and southbound drivers on Knowlton Street at Dane Street.
 Knowlton Street. Southwestbound drivers on Knowlton Street at Cabot Street.
 Lake Shore Avenue. Northwestbound drivers on Lake Shore Avenue at Essex Street.
 Lake Shore Avenue. Southeastbound drivers on Lake Shore Avenue at Lothrop Street.
 Larcom Avenue. East and westbound drives on Larcom Avenue at Baker Avenue.
 Laurel Street. Northbound drivers on Laurel Street at Dodge Street.
 Laurel Street. Northwestbound drivers on Laurel Street at Budleigh Avenue.
 Laurel Street. Northwestbound drivers on Laurel Street at Walnut Avenue.
 Lawrence Street. Northbound drivers on Lawrence Street at East Lothrop Street.
 Lawrence Street. Northwestbound drivers on Lawrence Street at Lothrop Street.
 Lawrence Street. Southwestbound drivers on Lawrence Street at Bisson Street.
 Lee Street. Eastbound drivers on Lee Street at Folger Avenue
 Leech Street. Eastbound at Winthrop Avenue.
 Leech Street. Northwest and Southeastbound drivers on Leech Street at Kernwood Avenue.
 Leech Street. Westbound drivers on Leech Street at Winthrop Avenue.
 Liberty Street. Northeastbound drivers on Liberty Street at Corning Street.
 Linden Avenue. Eastbound and westbound drivers on Linden Avenue at Porter Street.
 Linden Avenue. Eastbound drivers on Linden Avenue at Wellman Street.
 Lindsey Ave. Northbound drivers on Lindsey Avenue at Eaton Avenue.
 Lindsey Avenue. Southwestbound drivers on Lindsey Avenue at Bridge Street.
 Livingstone Avenue. North and southbound drivers on Livingstone Avenue at Bridge Street.
 Livingstone Avenue. Northbound drivers on Livingstone Avenue at Woodlane Avenue.
 Livingstone Avenue. Northeastbound drivers on Livingstone Avenue at Upland Road.
 Livingstone Avenue. Southbound and northbound drivers on Livingstone Avenue at Harris Street, both sides.
 Locust Street. Southbound drivers on Locust Street at Bisson Street.

Lothrop Street. Southbound drivers on Lothrop Street at Water Street.
 Lothrop Street. Northeast and Southwestbound drivers on Lothrop Street at Corning Street.
 Lothrop Street. Northeastbound traffic on Lothrop Street at Stone Street.
 Lovett Street. East and westbound drivers on Lovett Street at Dane Street.
 Lovett Street North and southbound drivers on Lovett Street at Central Street.
 Lovett Street, Northeast and Southwest bound drivers on Lovett Street at Abbott Street.
 Lovett Street. Northeast and Southwestbound drivers on Lovett Street at Washington Street.
 Lovett Street. Westbound drivers on Lovett Street at Bartlett Street.
 Lowell Street. Northwestbound drivers on Lowell Street at Odell Avenue.
 Lowell Street. Southeastbound drivers on Lowell Street at Essex Street.
 Lyman Street. Westbound drivers on Lyman Street at Cabot Street.
 MacArthur Road. Eastbound drivers on MacArthur Road at Ellsworth Avenue.
 MacArthur Road. Northwestbound drivers on MacArthur Road at Conant Street.
 Madison Avenue. Northwestbound drivers on Madison Avenue at Prospect Street.
 Madison Avenue. Southeastbound drivers on Madison Avenue at Essex Street.
 Magnolia Street. Northwestbound drivers on Magnolia Street at Odell Avenue.
 Magnolia Street. Southeastbound drivers on Magnolia Street at Essex Street.
 Margin Street. Eastbound drivers on Margin Street at River Street.
 Matthies Street. East and westbound drivers on Matthies Street at Echo Avenue.
 Matthies Street. Northeastbound drivers on Matthies Street at McKay Street.
 May Street. Northbound drivers on May Street at Cabot Street.
 McKay Street. Southbound drivers on McKay Street at Elliott Street.
 McKinley Avenue. Northwestbound drivers on McKinley Avenue at Odell Avenue.
 McPherson Drive. Southbound drivers on McPherson at Federal Street.
 Meadow Road. Eastbound drivers on Meadow Road at Essex Street.
 Meeting Place Circle. Southwestbound drivers on Meeting Place Circle at Meadow Road.
 Mechanic Street. Northbound drivers on Mechanic Street at Elliott Street.
 Middle Street. Southbound drivers on Middle Street at Bisson Street.
 Middlebury Lane. Northeastbound drivers on Middlebury lane at Grover Street.
 Mill Street. Eastbound drivers on Mill Street at Beckford Street
 Mill Street. Westbound drivers on Mill Street at Ropes Street.
 Millbrook Road. Southbound drivers on Millbrook Road at Hull Street.
 Miller Road. Northwestbound drivers on Miller Road at Essex Street.
 Milton Street. Eastbound drivers on Milton Street at Cabot Street.
 Monument Square. Northeastbound drivers on Monument Square in front of number 2 Monument Square.
 Montserrat Road. Northbound and southbound drivers on Montserrat Road at Colon Street.
 Morningside Drive. Southeastbound drivers on Morningside Drive at Dodge Street.
 Mulberry Street. North and southbound drivers on Mulberry Street at Judson Street.
 Mulberry Street. North and southbound drivers on Mulberry Street at Pond Street.
 Munroe Street. Northwestbound drivers on Munroe Street at Prospect Street.
 Munroe Street. Southeastbound drivers on Munroe Street at Essex Street.

Nelson Avenue. Southbound drivers on Nelson Avenue at Dodge Street.
 Neptune Street. Eastbound drivers on Neptune Avenue at Pickman Road.
 Neptune Street. Northeast and southwest drivers on Neptune Street at East Corning Street.
 Netherton Avenue. Southeastbound drivers on Netherton Avenue at Western Avenue.
 Newbury Street. Eastbound drivers on Newbury Street at Liberty Street.
 Newbury Street. Northwestbound drivers on Newbury Street at Essex Street.
 Noble Hill Road. Northbound drivers on Noble Hill Road at Hull Street.
 Noble Hill Road. Southwestbound drivers on Noble Hill Road at Cobblers Lane.
 Northern Avenue. Northbound drivers on Northern Avenue at Elliott Street.
 Northern Avenue. Southwestbound drivers on Northern Avenue at County Way.
 Northwood Road. Northwestbound drivers on Northwood Road at Dodge Street.
 Nursery Street. Northeastbound drivers on Nursery Street at Ellsworth Avenue.
 Nursery Street. Westbound drivers on Nursery Street at Dartmouth Street.
 Oak Street. Northbound drivers on Oak Street at Hale Street.
 Oak Street. Southwestbound drivers on Oak Street at West Street.
 Oakhurst Road. Northwestbound drivers on Oakhurst Road at Dodge Street.
 Oakmont Road. Northeastbound drivers on Oakmont Road at Putnam Street.
 Oakmont Road. Westbound drivers on Oakmont Road at Brimbal Avenue.
 Ocean Street. Southeast and Northwestbound drivers on Ocean Street at Lovett Street.
 Oceanside Drive. Northbound drivers on Oceanside Drive at East.
 Oceanside Drive. Southbound drivers on Oceanside Drive at Ober Street.
 Odell Avenue. Northeastbound drivers on Odell Avenue at Spring Street.
 Odell Avenue. Southbound drivers on Odell Avenue at Pickett Street.
 Old Farm Road. Westbound drivers on Old Farm Road at Ellsworth Avenue.
 Old Rubbly Road, at Essex Street, stop sign on Old Rubbly Road.
 Opal Avenue. Southeastbound drivers on Opal Avenue at Elliott Street.
 Orchard Street. Northbound drivers on Orchard Street at Bisson Street.
 Parramatta Road. Northwestbound drivers on Parramatta Road at Essex Street.
 Parramatta Road. Southeastbound drivers on Parramatta Road at Lothrop Street.
 Park Street. Northbound drivers on Park Street at Elliott Street.
 Park Street. North and southbound drivers on Park Street at Federal Street.
 Parsons Drive. Northwestbound drivers on Parsons Drive at Lothrop Street.
 Patti Road. Northeastbound drivers on Patti Road at Grover Street.
 Peabody Avenue. Eastbound drivers on Peabody Avenue at Sargent Avenue.
 Peabody Avenue. Southeastbound drivers on Peabody Avenue at Essex Street.
 Pearl Street. North and southbound drivers on Pearl Street at Parramatta Road.
 Pearl Street. Eastbound drivers on Pearl Street at Corning Street.
 Pearl Street. Southwestbound drivers on Pearl Street at Newbury Street.
 Pearl Street Extension. Westbound drivers on Pearl Street Extension at Corning Street.
 Pearson Street. Northwest bound drivers on Pearson Street at Good year Street
 Pearson Street. Northwest and southeastbound drivers on Pearson Street at Matthies Street.
 Pearson Street. Northwest and southeastbound drivers on Pearson Street at Sturtevant Street.
 Picked Street. Westbound drivers on Pickett Street at Cabot Street.

Pierce Avenue. Southbound drivers on Pierce Avenue at Charnock Street.
 Pillow Lace Lane. Northbound drivers on Pillow Lace Lane at Noble Hill Road.
 Pine Knoll Drive. Northbound drivers on Pine Knoll Drive at Hull Street.
 Pinewood Avenue. Northwestbound drivers on Pinewood Avenue at Herrick Street Ext.
 Pleasant Street. Westbound drivers on Pleasant Street at Park Street.
 Pleasant Street. Westbound drivers on Pleasant Street at River Street.
 Porter Street. Northbound drives on Porter Street at Webber Avenue
 Porter Street. Southbound drivers on Porter Street at Congress Street.
 Porter Terrace. Southwestbound drivers on Porter Terrace at Upland Road.
 Powers Street. Westbound drivers on Powers Street at Herrick Street.
 Pratt Avenue. East and westbound drivers on Pratt Avenue at Butman Street.
 Pratt Avenue. Northwestbound drivers on Pratt Avenue at Essex Street.
 Pratt Avenue. Eastbound drivers on Pratt Avenue at Locust Street.
 Presidential Circle. Westbound drivers on Presidential Circle at Dunham Road.
 Prince Street. Northbound drivers on Prince Street at Hale Street.
 Princeton Avenue. East and westbound drivers on Princeton Avenue at County Way.
 Princeton Avenue. Eastbound drivers on Princeton Avenue at McKay Street.
 Princeton Avnue. Westbound drivers on Princeton Avenue at Nursery Street.
 Priscilla Road. Eastbound drivers on Priscilla Road at Cabot Street.
 Prospect Street. Southbound drivers on Prospect Street at Charnock Street.
 Prospect Street. Northbound drivers on Prospect Street at Harrison Avenue.
 Putnam Street. Northwestbound drivers on Putnam Street at Dodge Street.
 Putnam Street. Northwest and southeast drivers on Putnam Street at Walnut Avenue
 Ray Street. Eastbound drivers on Ray Street at Cross Street.
 Ray Street. Northwestbound drivers on Ray Street at Lothrop Street.
 Red Rock Lane. Northwestbound drivers on Red Rock Lane at Dodge Street.
 River Street. Northbound drivers on River Street at Federal Street.
 River Street. Southbound drivers on River Street at School Street.
 River Street Extension. Northbound drivers on River Street Extension at Elliott Street.
 River Street Extension. Southbound drivers on River Street Extension at Federal Street.
 Riverside Street. Eastbound traffic on Riverside Street at Park Street.
 Riverside Street. Westbound drivers on Riverside Street at Park Street.
 Robb Road. Eastbound drivers on Robb Road at Wirling Drive.
 Robb Road. Westbound drivers on Robb Road at Nelson Avenue.
 Roderick Avenue. Northbound drivers on Roderick Avenue at Bridge Street.
 Roderick Avenue. Southbound drivers on Roderick Avenue at Sylvester Avenue.
 Ropes Street. Northbound drivers on Ropes Street at Simon Street.
 Ropes Street. Southbound drivers on Ropes Street at Mill Street.
 Roundy Street. Eastbound drivers on Roundy Street at Cabot Street.
 Roundy Street. East and westbound drivers on Roundy Street at Park Street.
 Route 127 (old route in front of St. Margaret's Church). Westbound drivers on Old Route 127 in front of St. Margaret's Church at intersection of New Route 127 (Hale Street) and Haskell Street.
 Rowell Avenue. Northbound drivers on Rowell Avenue at Greene Street.
 Roy Avenue. Northwestbound drivers on Roy Avenue at Dodge Street.
 Russell Street. Westbound drivers on Russell Street at Cabot Street.

Salem Road. Southbound drivers on Salem Road at Herrick Street.
 Salters Avenue. Southbound traffic on Salters Avenue at Crescent Avenue.
 Sam Fonzo Drive. Northbound drivers on Sam Fonzo Drive at L. P. Henderson Road
 Sam Fonzo Drive. Southwestbound drivers on Sam Fonzo Drive at Cherry Hill Drive
 Scenna Road. Southeastbound drivers on Scenna Road at Hull Street.
 School Street. Eastbound and westbound drivers on School Street at Wellman Street.
 Shannon Lane Southeast bound drivers on Shannon Lane at Independence Circle
 Sherman Street. Northwestbound drivers on Sherman Street at Odell Avenue.
 Sherman Street. Southeastbound drivers on Sherman Street at Essex Street.
 Simon Street. Southeastbound drivers on Simon Street at Cabot Street.
 Simon Street. Westbound drivers on Simon Street at Ropes Street.
 Smithson Drive. Northwestbound drivers on Smithson Drive at Lothrop Street.
 Sohier Road. Northbound drivers on Sohier Road at Herrick Street.
 Sonning Road. Northbound traffic on Sonning Road at Longmeadow Road.
 South Terrace. Northbound drivers on South Terrace at Sylvester Avenue.
 Spring Street. Westbound drivers on Spring Street at Colon Street.
 Spring Street. Southbound drivers on Spring Street at Essex Street.
 Spruce Run. Northbound drivers on Spruce Run at Cross Lane.
 Stewart Avenue. Eastbound drivers on Stewart Avenue at Giles Avenue.
 Stewart Avenue. Westbound drivers on Stewart Avenue at Lindsey Avenue
 Stone Street. Eastbound drivers on Stone Street at Lothrop Street.
 Stone Street. Northbound and Southbound drivers on Stone Street at Bartlett Street.
 Stone Street. Southbound drivers on Stone Street at Bartlett Street.
 Stone Street. Northwestbound drivers on Stone Street at Cabot Street.
 Story Avenue. Southeastbound drivers on Story Avenue at Colon Street.
 Sturteuant Street. Northeastbound drivers on Sturtevant Street at McKay Street.
 Sturteuant Street. Southwest and northeastbound drivers on Sturtevant Street at Echo Avenue.
 Summit Avenue. Eastbound drivers on Summit Avenue at Cox Court.
 Sunnycrest Avenue. Northbound drivers on Sunnycrest Avenue at Bridge Street.
 Sunset Drive. Southwestbound drivers on Sunset Drive at Elliott Street.
 Swan Street. Southwestbound drivers on Swan Street at Cabot Street.
 Sylvan Road. Northeast and Southwestbound drivers on Sylvan Road at Parramatta Road.
 Sylvan Road. Southwestbound drivers on Sylvan Road at Corning Street.
 Sylvester Avenue. Westbound drivers on Sylvester Avenue at the intersection of Bates Park Avenue.
 Taft Avenue. Southeastbound drivers on Taft Avenue at Western Avenue.
 Temi Road. Southbound drivers on Temi Road at Hull Street.
 Thissell Street. Southbound drivers on Thissell Street at Hale Street.
 Thissell Street. Southeastbound drivers on Thissell Street at Hale Street.
 Thompson Road. Southeastbound drivers on Thompson Road at Brimbal Avenue.
 Thompson Road. Southwestbound drivers on Thompson Road at Herrick Street Ext.
 Thoreau Circle. Southeastbound drivers on Thoreau Circle at Essex Street, both ends.
 Thorndike Street. Westbound drivers on Thorndike Street at Cabot Street.
 Thorndike Street. Westbound drivers on Thorndike Street at Lovett Street.
 Tozer Road. Eastbound drivers on Tozer Road at Sohier Road.

Trask. Northeast and southwestbound drivers on Trask Street at Cabot Street.
 Tremont Street. Eastbound drivers on Tremont Street at Cabot Street.
 Tremont Street. Northeast and southwestbound drivers on Tremont Street at Ellsworth Avenue.
 Tremont Street. Southeastbound drivers on Tremont Street, at Clifton Avenue.
 Upland Road. Southeastbound drivers on Upland Road at Kernwood Avenue.
 Valley Street. Southbound drivers on Valley Street at Hale Street.
 Victor Avenue. Westbound drivers on Victor Avenue at East Street
 Victor Avenue. Northwestbound drivers on Victor Avenue at Corning Street.
 Vine Street. Northwestbound drivers on Vine Street at Hale Street.
 Vine Street. Southeastbound drivers on Vme Street at Oak Street.
 Virginia Avenue. Northeastbound drivers on Virginia Avenue at Bridge Street.
 Walker Road. Southeastbound drivers on Walker Road at Essex Street.
 Walker Road. Westbound drivers on Walker Road at Grover Street.
 Wallis Street. East bound drivers on Wallis Street at Cabot Street
 Walnut Avenue. Northeast and southwest drivers on Walnut Avenue at Laurel Street.
 Walnut Avenue. Northeastbound drivers on Walnut Avenue at Putnam Street.
 Walnut Avenue. Westbound drivers on Walnut Avenue at Brimbal Avenue.
 Warren Street. Southeastbound drivers on Warren Street at Newbury Street.
 Washington Street. Southeast and northwestbound drivers on Washington Street at Lovett Street.
 Water Street. Westbound traffic on Water Street at Cabot Street.
 Webber Avenue. Southwest bound drivers on Webber Avenue at Porter Street.
 Webber Avenue. Eastbound drivers on Webber Avenue at River Street.
 Webster Avenue. Southeastbound drivers on Webster Avenue at Haskell Street.
 Webster Avenue. Northbound drivers on Webster Avenue at Greenwood Avenue.
 Wedgemere Road. Southeastbound drivers on Wedgemere Road at Hull Street.
 Wellman Street. Southbound drivers on Wellman Street at Congress Street.
 Wellman Street. North and southbound drivers on Wellman Street at School Street.
 Wellman Street. Northwestbound drivers on Wellman at Webber Avenue.
 Wentworth Drive. Northbound drivers on Wentworth Drive at Hull Street
 Wentzell Avenue. Westbound traffic on Wentzell Avenue at Bartlett Street.
 West Dane Street. Eastbound traffic on West Dane Street at Park Street.
 West Dane Street. Eastbound traffic on West Dane Street at Rantoul Street.
 Western Avenue. Northeastbound drivers on Western Avenue at Bridge Street.
 Western Avenue. Southbound drivers on Western Avenue at Shortell Avenue.
 Western Avenue. Southeastbound drivers on Western Avenue at Shortell Avenue.
 Whitman Place. Northbound drivers on Whitman Place at Middlebury Lane.
 Whitman Place. Southbound drivers on Whitman Place at Thoreau Circle.
 Whitney Avenue. Northwestbound drivers on Whitney Avenue at Odell Avenue.
 Williams Street. North and southbound drivers on Williams Street at Guild Road.
 Williams Street. Southwestbound drivers on Williams Street at Elliott Street.
 Windham Lane. Northbound drivers on Windham Lane at Thaxton Road.
 Windham Lane. Southbound drivers on Wmdham Lane at Old Planters Road.
 Windsor Road. Southbound drivers on Windsor Road at Russell Street.
 Winslow Road. Southbound drivers on Winslow Road at Elliott Street.

Winter Street. Eastbound drivers on Winter Street at Essex Street.
 Winthrop Avenue. Northwestbound drivers on Winthrop Avenue at Bridge Street.
 Wirling Drive. Southeastbound drivers on Wirling Drive at Dodge Street.
 Woodbury Street Extension. Northbound drivers on Woodbury Street Extension at Ober Street.
 Woodland Avenue. Northwestbound drivers on Woodland Avenue at Greene Street.
 Yale Boulevard. Eastbound drivers on Yale Boulevard at Dartmouth Street.
 Yale Boulevard. Eastbound drivers on Yale Boulevard at Nursery Street.
 Yankee Way. Southeast bound drivers on Yankee Way at Essex Street

(Rev. Ords. 1973, § 15-35; Ord. No. 98, § 1, 6-29-87; Ord. No.443,§1, 10-5-87; Ord. No.555, §1, 11-16-87; Ord. No.556,§1, 11-16-87; Ord. No. 557,§ 1, 11-16-87; Ord. No. 558,§1, 11-16-87; Ord. No. 40, 2-16-88; Ord. No. 263,§1, 5-2-88; Ord. No.31, 2-6-89; Ord. No. 119,2-21-89; Ord. No. 157,3-6-89; Ord. No.355, 9-18-89; Ord. No. 526, 12-18-89; Ord. No. 527, 12-18-89; Ord. No. 268,5-7-90; Ord. No.451, 9-17-90; Ord. No.502, 10-1-90; Ord. No. 532, 10-15-90; Ord. No. 517, 11-19-90; Ord. No.22, 1-22-91; Ord. No.23,1-22-91; Ord. No.169, 4-16-91; Ord. No.171, 4-16-91; Ord. No. 214,5-20-91; Ord. No.236, 6-3-91; Ord. No. 255,6-17-91; Ord. No. 334,9-16-91; Ord. No. 472,12-2-91; Ord. No. 188,4-21-92; Ord. No. 189, 4-21-92; Ord. No. 271, 6-15-92; Ord. No. 299, 7-1-92; Ord. No. 357,9-7-93; Ord. No. 483,10-26-93; Ord. No. 484,10-26-93; Ord. No. 485, 10-26-93; Ord. No.486, 10-26-93; Ord. No. 496,11-1-93; Ord. No.14, 1-10-94; Ord. No.308, 6-20-94; Ord. No. 309,6-20-94; Ord. No. 381,9-19-94; Ord. No. 403, 11-7-94; Ord. No. 74, 1-18-95; Ord. No. 77, 2-16-95; Ord. No. 183, 4-18-95; Ord. No. 184, 4-18-95; Ord. No. 223, 5-15-95; Ord. No. 301, 8-1-95; Ord. No. 302,8-1-95; Ord. No. 310, 7-17-96; Ord. No. 329, 8-23-95; Ord. No. 330, 8-23-95; Ord. No. 355, 10-21-96; Ord. No. 363, 9-5-95; Ord. No. 395,9-18-95; Ord. No. 397, 9-18-95; Ord. No.452, 11-6-95; Ord. No. 247, 7-3-96; Ord. No. 248, 7-3-96; Ord. No. 320, 8-27-96; Ord. No. 414, 11-12-96; 434, 12-2-96; Ord. No. 437, 12-10-96; Ord. No. 318, 11-18-97; Ord. No. 3, 2-5-98; Ord. No. 4, 2-5-98; Ord No. 132, 5-12-98; Ord. No. 152, 5-21-98; Ord. No. 221, 10-17-98; Ord. No. 290, 10-26-98; Ord. No. 309, 11-12-98; Ord. No. 207, 7-21-99; Ord. No. 246, 9-14-99; Ord. No. 273, 10-6-99; Ord. No. 274, 10-6-99; Ord. No. 327, 11-17-99; Ord. No. 351, 11-17-99; Ord. No. 406, 1-13-2000; Ord. No. 407, 1-13-2000; Ord. No. 18, 2-25-2000; Ord. No. 239, 7-5-2000; Ord. No. 244, 9-11-2000; Ord. No. 285, 10-4-2000; Ord. No. 279, 10-4-2000; Ord. No. 284, 10-4-2000; Ord. No. 350, 11-22-2000; Ord. No. 56, 3-30-2001; Ord. No. 164, 10-22-2001; Ord No. 162, 5-22-2002; Ord. No. 181, 6-6-2002; Ord. No. 228, 7-8-2002; Ord. No. 232, 7-8-2002; Ord. No. 292, 10-9-2002; Ord. No. 293, 10-9-2002; Ord. No. 294, 10-9-2002; Ord. No. 326, 10-23-2002; Ord. No. 170, 6-4-2003; Ord. No. 301, 11-5-2003; Ord. No. 324, 12-3-2003; Ord. No. 358, 12-18-2003; Ord. No. 254, 10-6-2004; Ord. No. 255, 10-6-2004; Ord. No. 256, 10-6-2004; Ord. No. 257, 10-6-2004; Ord. No. 300, 11-5-2004; Ord. No. 324, 12-9-2004; Ord. No. 123, 6-15-2005; Ord. No. 124, 6-15-2005; Ord. No. 149, 7-8-2005; Ord. No. 158, 7-8-2005; Ord. No. 181, 7-8-2005; Ord. No. 233, 11-10-2005; Ord. No. 215, 11-9-2006; Ord. No. 228, 11-22-2006; 246, 1-8-2007; Ord. No. 64, 4-23-2007; Ord. 91, 5-12-2008; Ord. No. 199, 10-8-2008; Ord. No. 161, 11-18-2009)

(m) Obedience to yield signs.

- (i) Every driver of a vehicle or other conveyance approaching an intersection of ways, where there exists facing him an official sign bearing the word "yield," such sign having been erected in accordance with the written approval of the Department of Public Services of the Commonwealth and such approval being in effect, shall surrender to oncoming traffic his right to enter the intersection until such time as he has brought his vehicle or other conveyance to a complete stop at a point between the "yield" sign and the nearer line of the street intersection; provided, however, that this requirement to stop before entering the intersection shall not apply when a driver approaching a "yield" sign can enter the intersection in safety without causing interference to approaching traffic.
- (n) This section shall not apply when the traffic is otherwise directed by an officer or by a lawful traffic-regulating sign, signal or device or as provided in section 14-93.

(Rev. Ords. 1973, §15-36)

- (o) Right-on-red prohibited when posted.

(Rev. Ords. 1973, §15-37A; Ord. No.143, 5-6-91; Ord. No.308, 8-1-95)

- (p) Keep to the right of roadway division; operation at underpasses or overpasses and at intersection with islands.
 - (i) Upon such roadways as are divided by a parkway, grass plot, reservation, viaduct, subway or by any structure or area, drivers shall keep to the right of such division, except when otherwise directed by an officer, signs, signals or markings.
 - (ii) At any junction or crossing of ways where the roadway grades have been separated and where the ways are connected by ramps, and at any intersection of ways in which there are channelizing islands, drivers of vehicles shall proceed only as indicated by signs, signals or markings.

(Rev. Ords. 1973, §15-38)

- (q) Driving on road surfaces under construction or repair.
 - (i) No operator shall enter upon the road surface of any street or highway, or section thereof, when by reason of construction, surface treatment, maintenance or the like, or because of some unprotected hazard, such road surface is closed to travel, and one (1) or more signs, lights, or signals have been erected to indicate that all or part of the road surface of the street or highway is not to be used, or when so advised by an officer, watchman, member of a street or highway crew or employee of the town, either audibly or by signals. (Rev. Ords. 1973, § 15-39)
- (r) Snowmobiles prohibited in certain areas.

- (i) No person shall operate a snowmobile in any of the following places:
 - 1) Property of the Beverly Golf and Tennis Club;
 - 2) Any land under control of the cemetery department.
- (ii) Any person who violates any provision of this section shall be subject to a fine of fifty dollars (\$50.00)

(Rev. Ords. 1973, § 15-39A)

- (s) Motor vehicles, mopeds, minibikes, motorcycles and any other motorized vehicle prohibited on public property.
 - (i) No person shall operate any motor vehicle, moped, minibike or motorcycle or any other motorized vehicle on public property except paved roads.
 - 1) No person shall operate any motor vehicle, moped, minibike, motorcycle or any other motorized vehicle on or through any roadways designated as Fire Roads, Emergency Vehicle Only roads or No Unauthorized vehicle roads. Such roads shall be properly posted with a sign containing but not limited to the words, NO UNAUTHORIZED VEHICLES and a fine of one hundred fifty dollars (\$150.00).
 - (ii) Any person violating any provision of this section shall be subject to a fine of one hundred dollars (\$100.00).

(Rev. Ords. 1973, § 15-39B; Ord. No. 401, 12-2-96)

- (t) Rights and duties of drivers in funerals or other processions.
 - (i) At an intersection where a traffic-control signal is operating or a stop sign is located the operator of the first vehicle in a funeral or other procession shall be the only one governed by the traffic signal indication or the stop sign.

(Rev. Ords. 1973, § 15-40)

- (u) Obedience to special traffic-control devices.
 - (i) Generally. Where official traffic-control signals are erected directing specific traffic to use a designated lane or designating lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or to prohibit a turn or to make a required turn at an intersection of roadways, drivers of vehicles shall obey the direction of every such device.
 - (ii) Turning movements generally.
 - 1) Right lanes must turn right:

Colon Street, southeastbound traffic onto Cabot Street.

Conant Street, eastbound traffic onto Dodge Street

Elliott Street, westbound traffic onto McKay Street.

(iii) Right- and left-hand turns prohibited:

- 1) Right-hand turns prohibited: from the southbound lane of River Street into the westbound lane of School Street, from 6:00 a.m. to 8:00 a.m.
- 2) Right-hand turn prohibited: from eastbound lane of Elliott Street onto Cressy Street.

(iv) Do not enter:

- 1) 3:00 p.m. to 6:00 p.m., MacArthur Road at Conant Street, Monday through Friday.
- 2) 3:00 p.m. to 6:00 p.m., Ellsworth Avenue at Conant Street, Monday through Friday.
- 3) 7:00 a.m. to 9:00 a.m. River Street at Pleasant Street, Monday through Friday.
- 4) Putnam Street: One way from Oakmont Road to Dodge Street, 7:30 a.m.-8:30a.m. and 1:30 p.m.-2:30 p.m. from September through June, traffic to proceed northwesterly.
- 5) Tremont Street, do not enter, from Cabot Street, 7:00 a.m. to 9:00 a.m.
- 6) Cressy Street at the Elliott Street, Route 62 end of Cressy Street
- 7) Tremont Street, do not enter, from Ellsworth Ave., 4:00 PM to 6:00 PM.

(v) No person shall stop their motor vehicle on the railroad tracks. Violation of this section shall be punishable by a \$50 Fine.

(Rev. Ords. 1973, § 15-40A; Ord. No. 144, 3-5-90; Ord. No. 300, 5-21-90; Ord. No. 24, 1-22-91; Ord. No. 312, 8-7-91; Ord. No. 298, 9-21-92; Ord. No. 392, 10-3-94; Ord. No. 96, 2-16-95; Ord. No. 271, 10-21-99; Ord. No. 249, 9-5-2002; Ord. No. 250, 9-5-2002; Ord. No. 285, 10-9-2002; Ord. No. 261, 10-8-2003; Ord. No. 135, 5-10-2004; Ord. No. 312, 11-5-2004; Ord. No. 80 4-22-2005)

(v) Banning of heavy truck traffic on certain streets.

- (i) Trucks at or above the following specified weight limits shall not travel on the following listed streets:

Congress Street be excluded from trucks two and one-half (2 1/2) tons or over from Cabot Street to Wellman Street except trucks entering business on Congress Street.

Eastern Avenue, be excluded from trucks over two and one half (2 1/2) tons, entire length.

Grover Street, to be excluded from trucks two and one-half (2 1/2) tons or over from Dodge Street to Essex Street, Route 22.

Northern Avenue, be excluded from trucks over two and one half (2 1/2) tons, entire length.

School Street be excluded from trucks two and one-half (2 1/2) tons or over from River Street to Wellman Street.

Webber Avenue be excluded from trucks two and one-half (2 1/2) tons or over from River Street to Wellman Street.

Wellman Street be excluded from trucks two and one-half (2 1/2) tons or over, entire length.

- (ii) This section does not exclude vehicles over two and one-half (2 1/2) tons that may have a legitimate purpose on any of these streets, including but not limited to oil trucks, delivery trucks, telephone trucks, moving vans, school busses, etc. (Rev. Ords. 1973, § 15-40B; Ord. No. 402, 10-16-94; Ord. No. 143, 6-28-99)

(w) One-way streets.

- (i) Upon the following streets or parts of streets vehicular traffic shall move only in the direction indicated below:

Abbott Street, from Lothrop Street to Cabot Street, traffic to proceed westerly.

Arthur Street, from Mulberry Street to Judson Street, traffic to proceed easterly.

Atlantic Avenue, from Hale Street to Lothrop Street, traffic to proceed easterly.

Beckford Street, from three hundred eighty-eight (388) feet south of Cabot Street to two hundred twelve (212) feet from Elliott Street, traffic to proceed southerly on the westerly side of the island.

Beckford Street, from two hundred twelve (212) feet north of Elliott Street to three hundred eighty-eight (388) feet south of Cabot Street, traffic to proceed northerly on the easterly side of the island.

Blaine Avenue, from Cabot Street to Balch Street, traffic to proceed southerly.

Bow Street, from Cabot Street to Rantoul Street, traffic to proceed westerly.

Bow Street, from Rantoul Street to Park Street, traffic to proceed westerly.

Broadway, from Rantoul Street to Park Street, traffic to proceed westerly.

Central Street, from Cabot Street to Lothrop Street, traffic to proceed easterly.

Charles Street, from Cabot Street to Sohier Road, traffic to proceed easterly.

Charnock Street, from Butman Street to Cabot Street, traffic to proceed westerly.

Chase Street, from Chestnut Street to Elliott Street, traffic to proceed southerly.

Chestnut Street, from Rantoul Street to Cabot Street, traffic to proceed easterly.

Cox Court, from Summit Avenue to Cabot Street, traffic to proceed southerly.

Dartmouth Street, from Nursery Street to County Way, traffic to proceed easterly.

Davis Street, from Stone Street to Front Street, traffic to proceed southerly.

Elm Street, from Vestry Street to Railroad Avenue, traffic to proceed southerly.

Essex Street, from Cabot Street to Dane Street, traffic to proceed northeasterly.

Fayette Street, from Rantoul Street to Cabot Street, traffic to proceed easterly.

Federal Street, from Rantoul Street to Cabot Street, traffic to proceed easterly.

Front Street, from Bartlett Street to Cabot Street, traffic to proceed westerly.

Galloupe Avenue, from Elliott Street to Mechanic Street, traffic to proceed westerly.

Green Street, from upper Elliott Street to Lower Elliott Street, traffic to proceed northeasterly.

Hale Street, that portion of Hale Street, formerly part of the main traveled way on Hale Street and now used as an approach to St. Margaret's Club and School, traffic to proceed westerly.

Hardy Street, from Railroad Avenue to Pleasant Street, traffic to proceed southerly.

Judson Street, from Chase Street to Cabot Street, traffic to proceed easterly.

Kittredge Street, from Cabot Street to City of Beverly, Beverly High School, traffic to proceed northeasterly.

Laurel Street, from Oakmont Street to Walnut Street, traffic to proceed northerly.

Laurel Street, from Walnut Avenue to Budleigh Avenue, traffic to proceed northerly.

Lenox Street, from Cabot Street to Rantoul Street, traffic to proceed westerly.

Lyman Street, from Sohier Road to Cabot Street, traffic to proceed southerly.

Margin Street, from West Federal Street to Bridge Street, traffic to proceed southerly.

Mason Street, from Cabot Street to Sohier Road, traffic to proceed northerly.

May Street, from Cabot Street to Lovett Street, traffic to proceed easterly.

Mechanic Street, from Roundy Street to Elliott Street, traffic to proceed northerly.

Mechanic Street, from West Dane Street to Roundy Street, traffic to proceed northerly.

Myrtle Street, from Rantoul Street to Cabot Street, traffic to proceed easterly.

Ocean Street, from Lothrop Street to Hale Street, traffic to proceed westerly.

Pleasant Street, from Cabot Street to Park Street, traffic to proceed westerly.

Railroad Avenue, from Park Street to Rantoul Street, traffic to proceed easterly.

Riverside Street, from Rantoul Street to Park Street, traffic to proceed westerly.

Roundy Street, from Rantoul Street to Cabot Street, traffic to proceed easterly.

Russell Street, from property of city, Beverly High School to Windsor Road, traffic to proceed southwesterly.

School Street, from Cabot Street to Rantoul Street, traffic to proceed westerly.

Scott Street, from Cabot Street to Ellsworth Avenue, traffic to proceed southwesterly.

Standley Street, from Groce Street to Essex Street, traffic to proceed northerly.

Stewart Avenue, from Giles Avenue to County Way, traffic to proceed easterly.

Summer Street, from Cabot Street to Rantoul Street, traffic to proceed westerly.

Swan Street, from Sohier Road to Cabot Street, traffic to proceed southerly.

Thorndike Street, from Lovett Street to Lothrop Street, traffic to proceed westerly.

Vestry Street, from Elm Street to Cabot Street, traffic to proceed easterly.

Wallis Street, from Park Street to Rantoul Street, traffic to proceed easterly.

Wallis Street, from Rantoul Street to Cabot Street, traffic to proceed easterly.

West Dane Street, from Cabot Street to Rantoul Street, traffic to proceed westerly.

Wilkins Terrace, from 129 Dodge Street, traffic to proceed easterly, to 127 Dodge Street, traffic to proceed westerly.

Willow Street, from Bay Street to Lovett Street, traffic to proceed northerly.

Winter Street, from Cabot Street to Essex Street, traffic to proceed easterly.

(Rev. Ords. 1973, § 15-41; Ord. No. 35, § 1, 2-16-88; Ord. No. 204, 4-18-89; Ord. No. 352, 9-18-89; Ord. No. 356, 9-18-89; Ord. No. 170, 4-16-91; Ord. No. 471, 12-2-91; Ord. No. 185, 4-26-93; Ord. No. 128, 5-13-96; Ord. No. 300, 7-17-96; Ord. No. 414, 11-12-96; Ord. No. 30, 1-24-99; Ord. No. 74, 3-17-99; Ord. No. 247, 9-14-99; Ord. No. 302, 11-5-2003; Ord. No. 198, 6-24-2004; Ord. No. 258, 10-6-2004; Ord. No. 259, 10-6-2004; Ord. No. 324, 12-9-2004)

State law reference-Civil liability for violation of one-way regulations, M.G.L. c. 89, §10.

Section 21.13 Stopping, Standing and Parking

(a) General prohibitions.

- (i) No person shall stand or park and no person shall allow, permit or suffer any vehicle registered in his name to stand or park in any of the following places:
 - 1) Within an intersection except within those intersections where the installation of parking meters has been specifically approved by the department of public works of the Commonwealth.
 - 2) Upon any sidewalk.
 - 3) Upon any crosswalk.
 - 4) Upon the roadway in a rural or sparsely settled district.
 - 5) Upon the roadway where parking is permitted, unless both wheels on the right side of the vehicle are within twelve (12) inches of the curb or edge of the roadway except upon those streets which are designated as one-way streets. On such one-way streets, vehicles shall be parked in the direction in which such vehicle is moving and with both wheels within twelve (12) inches of the curb. This shall not apply to streets or parts of streets where angle parking is required by this article.
 - 6) Upon any roadway where the parking of a vehicle will not leave a clear and unobstructed lane at least ten (10) feet wide for passing traffic.
 - 7) Upon any street or highway within ten (10) feet of a fire hydrant.

- 8) Upon or in front of any private road or driveway without the consent of the owner of such private road or driveway.
- 9) Upon any street or highway within twenty (20) feet of an intersecting way, except in those areas where a sign indicating a greater distance has been erected and is in position and except at alleys.
- 10) Upon any street or way or private way which is designated as a fire lane by the erection of official signs.
- 11) Within five (5) feet of either side of a driveway.
- 12) Upon or within any designated parking space for disabled veterans or handicapped persons.

(Rev. Ords. 1973, § 15-42)

(b) Designation of fire lanes.

- (i) It shall be unlawful to obstruct or block a private way with a vehicle or other means as to prevent access by fire apparatus or equipment to any building.
- (ii) It shall be unlawful to obstruct or park any vehicle in any fire lane, such fire lanes to be designated by the chief of the fire department and posted and marked as such. Such fire lanes shall be a distance of twelve (12) feet from the curbing at a sidewalk for a mall, shopping center, hotel, all schools, institutions, nursing homes or apartment buildings. Where no sidewalks with curbing exist, the distance shall be eighteen (18) feet for the building.
- (iii) The building owner of record shall provide, install and maintain signs and pavement striping as provided in subsection (b) of this section.
- (iv) This section shall be enforced by the police department in accordance with the provisions of M.G.L. chapter 90, section 20A, except where uniformed security officers in accordance with the provisions of M.G.L. chapter 147, section 10F and charged with the enforcement of this section.
- (v) Any motor vehicle parked in a designated fire lane may be towed when such removal is authorized by a police officer with the rank of sergeant or higher.

(Rev. Ords. 1973, § 15-42A)

(c) Parking, storing recreational equipment restricted.

- (i) For the purposes of this section, "recreational equipment" shall be defined as any boat and boat trailer and any tent trailer or other similar trailers.

- (ii) No person shall park or store any recreational equipment on any street in any "R" (residential) district for a period of over twenty-four (24) hours within the city.
- (iii) Any person who violates any provision of this section shall be subject to a fifty-dollar fine. (Rev. Ords. 1973, § 15-111)
- (d) Prohibited on certain streets--At all times.
- (e) Upon the following streets or highways, or parts thereof, parking is hereby prohibited:

Abbott Street, northerly side, from the fire station property, two hundred twenty-five (225) feet southerly and westerly.

Abbott Street, southerly side, from Endicott Street to Brown Street.

Access Road, southerly side, from Dodge Street one hundred fifty (150) feet easterly.

Arlington Avenue, northerly side, from Dodge Street to the property of the Beverly-Salem Water Plant.

Arthur Street, northerly side, from Chase Street to Mulberry Street.

Arthur Street, southerly side, from Mulberry Street to Arthur Court.

Ashland Street, westerly side, from Home Street to Federal Street.

Atlantic Avenue, northerly side, from Hale Street to Lothrop Street.

Balch Street, northerly side, from Blaine Avenue to McKay Street westerly.

Balch Street, northerly side, from the west side of Cabot Street to a point forty-five (45) feet on Balch Street.

Balch Street, southerly side, from the west side of Cabot Street to a point forty (40) feet on Balch Street.

Balch Street, southerly side, from McKay Street to four hundred twenty-nine (429) feet easterly.

Balch Street, fifty (50) feet southeasterly and fifty (50) feet southwesterly from the North Shore Vocational School driveway.

Bancroft Avenue, southwesterly, southeasterly and northeasterly sides, from Hale Street to Hale Street.

Bartlett Street, easterly side, from Lovett Street to Wentzell Avenue.

Bartlett Street, westerly side from Cabot Street to 19 Bartlett Street.

Bay Street, northerly side, from Lovett Street to Lothrop Street (even-numbered side).

Bayview Avenue, southwesterly side from Neptune Street eighty (80) feet.

Beach Street, both sides, from West Street to Hale Street.

Beckford Street, easterly side, from Cabot Street to opposite Grant Street.

Beckford Street, easterly side, from Elliott Street fifty (50) feet northerly.

Beckford Street, westerly side, from Cabot Street to Grant Street.

Bennett Street, easterly side, from Cabot Street to Beckford Street.

Bertha Avenue, both sides, eighty (80) feet easterly, from Echo Avenue.

Blaine Avenue, westerly side, from Balch Street to Cabot Street.

Blake Street, southerly side, from McKay Street to Glidden Street.

Bow Street, northerly side, from Cabot Street to Park Street.
 Boyles Street, both sides, from Hale Street to Cross Lane
 Brackenbury Lane, both sides, from Hale Street to the water.
 Bradford Road, northerly side.
 Bresnahan Court Extension, both sides, from Herrick Street to 13 Bresnahan Court.
 Bridge Street, northerly side, from County Way to twenty (20) feet east of Winchester Terrace.
 Bridge Street, northerly side, from River Street to a point (40) feet west of the Hall-Whitaker Bridge.
 Bridge Street, northerly side, the entire length of the Ryal Side School property.
 Bridge Street, southerly side, from Bates Park Avenue, thirty (30) feet easterly.
 Bridge Street, southerly side, from River Street to a point two-hundred (200) feet west of the Hall Whitaker Bridge.
 Bridge Street, southerly side, from Roderick Ave. eighty feet (80') westerly
 Briscoe Street, easterly side, from Essex Street to one hundred ninety (190) feet south.
 Brown Street, easterly side, from Thorndike Street to Abbott Street.
 Butman Street, northwesterly side, from Dane Street to Jackson Street.
 Butterworth Road, across from driveway at 13 Butterworth Road, one (1) space.
 Cabot Street, easterly side, from Conant Street to a point eighty-five (85) feet northerly.
 Cabot Street, easterly side, from Conant Street to a point fifty-five (55) feet southerly.
 Cabot Street, northerly side, from County Drive to Longmeadow Road.
 Cabot Street, northerly side, from Colon Street to three hundred ninety (390) feet west beyond Charles Street.
 Cabot Street, northerly side, from Beverly Salem Bridge to Cox Court.
 Cabot Street, easterly side, from Elliott Street to one hundred eighty-five (185) feet north.
 Cabot Street, northerly side of Fayette Street, forty feet from the corner of Fayette Street.
 Cabot Street, easterly side, from Harrison Avenue to Pickett Street.
 Cabot Street, easterly side, from the northerly driveway to a point one hundred twenty (120) feet north on Cabot Street.
 Cabot Street, easterly side, from Stone Street to Abbott Street.
 Cabot Street, easterly side, from 111 Cabot Street to 115 Cabot Street.
 Cabot Street, easterly side, from 409 Cabot Street to Swan Street.
 Cabot Street, easterly side, from 449 Cabot Street to Kittredge Street.
 Cabot Street, southerly side, from Bennett Street to Rantoul Street.
 Cabot Street, southerly side, from Rantoul Street to the Boston and Maine Railroad.
 Cabot Street, southerly and westerly sides, from Simon Street to 412 Cabot Street.
 Cabot Street, westerly side, from the south side of Balch Street to a point fifty (50) feet on Cabot Street.
 Cabot Street, westerly side, from the north side of Balch Street to a point thirty-five (35) feet on Cabot Street.
 Cabot Street, westerly side, from Conant Street to a point fifty (50) feet northerly.
 Cabot Street, westerly side, from County Way to Tremont Street.
 Cabot Street, westerly side, from Roundy Street to Elliott Street.
 Cabot Street, west side, southerly from driveway at #182 Cabot Street to Milton Street (one space)
 Central Court, easterly side, from the corner of Central Street, fifty (50) feet southerly.

Central Court, westerly side, from Central Street to May Street.
 Central Street, northerly side, from Lothrop Street to fifty (50) feet easterly.
 Central Street, northerly side, from Cabot Street to Lothrop Street.
 Chapman Street, easterly side, from Bow Street to Federal Street.
 Chapman Street, westerly side, from Bow Street to Federal Street.
 Chapman Terrace, southerly side, entire length.
 Charles Street, westerly side, entire length.
 Charnock Street, southerly side from Cabot Street to Butman Street.
 Chase Street, westerly side, from Chestnut Street sixty (60) feet south.
 Chase Street, westerly side, from Federal Street to Elliott Street.
 Chase Street, easterly side, from Chestnut Street to Chestnut Park.
 Chestnut Street, northerly side, from Chase Street to Cabot Street.
 Church Street, northerly side, from Briscoe Street to Essex Street.
 Colon Street, easterly side, from Sohier Road to Heather Street.
 Colon Street, easterly side, from Cabot Street to fifty (50) feet northeasterly.
 Colon Street, westerly side, from Heather Street to Brimbal Avenue.
 Columbus Avenue, southerly side, opposite 8 Columbus Avenue.
 Common Lane, both sides, from junction of Foster and Standley Streets to Thissel Street.
 Conant Street, northerly side, from Cabot Street to a point forty-five (45) feet northerly.
 Conant Street, southerly side, from Cabot Street to a point forty-five (45) feet westerly.
 Conant Street, southerly side, from Cabot Street to a point one-hundred (100) feet easterly.
 Conant Street, southerly side, starting at a point two hundred ninety-six (296) feet from the intersection of Cabot and Conant Streets, for a distance of three hundred fifty (350) feet easterly.
 Congress Street, southerly side, from Cabot Street, thirty-five (35) feet west.
 Congress Street, both sides, from main line of the Boston and Maine Railroad to Porter Street.
 Connor Road, end of Connor Road in the cul-de-sac.
 Connolly Place, both sides, entire length.
 Corning Street, northeasterly side, from 96 Corning Street to Hale Street.
 Cottage from South Street to Bartlett Street, entire length, both sides.
 County Way, westerly side, from Cabot Street, one hundred seventy-five (175) feet south.
 County Way Extension, easterly side, from Cabot Street two hundred thirty-two (232) feet southerly.
 Cox Court, easterly side, entire length.
 Creek Street, northerly side, from Rantoul Street to Park Street.
 Creek Street, southerly side, from Park Street, westerly, to the property of the City of Beverly.
 Dane Street, northerly side, from Cabot Street to Hale Street.
 Dane Street, southerly side, from Lovett Street to Lothrop Street.
 Dane Street, southerly side, from Knowlton Street to Hale Street.
 Dane Street, both sides, from Essex Street to approximately seventy-five (75) feet easterly.
 East Street, northerly side, from Victor Road to Cooney Athletic Field.
 East Street, southerly side, from Middle Street to Cooney Field.

East Corning Street, both sides, entire length.
 East Lothrop Street, westerly side, for sixty (60) feet southerly from Bisson Street.
 Echo Avenue, easterly side, from 19 Echo Avenue.
 Echo Avenue, westerly side, from Elliott Street to Goodyear Street.
 Elliott Street, northerly side, from the west side of Rantoul Street to a point thirty (30) feet on Elliott Street.
 Elliott Street, southerly side, from the west side of Rantoul Street to a point twenty-five (25) feet on Elliott Street.
 Elliott Street, southerly side from Rantoul Street to a point seventy-five (75) feet easterly.
 Elliott Street, both sides, from Park Street to Echo Avenue.
 Elliott Street, north side, westerly from Rantoul Street to the first driveway entrance.
 Ellsworth Avenue, northerly side from County Way to Scott Street.
 Elm Street, both sides, entire length.
 Endicott Street, westerly side, from Thorndike Street to Abbott Street.
 Essex Bridge, on either side of the Beverly end.
 Essex Street, easterly side, from Bisson Street to Pratt Avenue.
 Essex Street, easterly side, from Charnock Street to fifty (50) feet southerly.
 Essex Street, easterly side, from Church Street to Dane Street.
 Essex Street, westerly side, from Munroe Street to Baker Avenue.
 Essex Street, both sides, from Dane Street to seventy-five (75) feet northerly.
 Essex Street, easterly side, from Dane Street to sixty (60) feet southerly.
 Essex Street, easterly side, from Hancock Street to Bisson Street.
 Essex Street, westerly side, from 254 Essex Street to Ice House Lane.
 Evereff Street, both sides, from Hale Street, one hundred fifty (150) feet northwesterly.
 Evergreen Drive, both sides, entire length.
 Fayette Street, southerly side, from Cabot Street to Rantoul Street.
 Federal Street, northerly side, from Cabot Street to River Street.
 Federal Street, southerly side, from Rantoul Street to Park Street.
 Fielder Road, both sides, entire length.
 Folger Avenue, easterly side, from Bridge Street seventy (70) feet southerly.
 Fossa Terrace, northerly and westerly sides, from the easterly line of Bartlett Street to the southerly line of Wentzell Avenue.
 Franklin Place, both sides, from Cabot Street to dead end.
 Front Street, northerly side, from No. 26 Front Street to Bartlett Street.
 Gage Street, westerly side, entire length.
 Galloupe Avenue, northerly side, from Elliott Street to Mechanic Street.
 Garden Street, easterly side, from Woodland Avenue to end.
 Giles Avenue, easterly side, from Elliott Street to Bridge Street.
 Glidden Street, southerly side, from McKay Street to Blake Street.
 Goodyear Street, northerly side, entire length.
 Grant Street, southerly side, entire length.
 Greenwood Avenue, both sides from Webster Avenue easterly to Common Lane.
 Groce Street, both sides, entire length.
 Hale Street, both sides, from 865 Hale Street to intersection of Route 127.
 Hale Street, both sides, from Beach Street to West Street.
 Hale Street, easterly side from Neptune Street to Brackenbury Lane.

Hale Street, easterly side from 233 Hale Street to 245 Hale Street
 Hale Street, easterly side, opposite 42 Hale Street, one (1) space.
 Hale Street, northerly side, from Orchard Street to opposite 105 Hale Street.
 Hale Street, northwesterly side from 146 Hale Street to Corning Street.
 Hale Street, southerly side, from Cabot Street to Briscoe Street.
 Hale Street, southerly side, from High Street to Valley Street.
 Hale Street, westerly side, from Atlantic Avenue to Dane Street.
 Hale Street, westerly side, from High Street to Hart Street.
 Hale Street, westerly side, between the crosswalk on Hale Street and the driveway servicing 210 Hale Street.
 Hale Street, westerly side, between the driveway servicing 210 Hale Street and the intersection of Morrison Avenue
 Hardy Street, both sides, entire length.
 Hardy Street, westerly side, from Pleasant Street, one hundred twenty (120) feet north.
 Hart Street, both sides, from Haskell Street to Chapman's Greenhouses (58 Hart Street).
 Hart Street, northerly side, from Valley Street, two hundred twenty-five (225) feet east.
 Hart Street, south side, from Haskell Street, one hundred fifty (150) feet east.
 Hart Street, southwest side, from Hale Street northwesterly to 24 Hart Street.
 Haskell Street, easterly side, beginning at a point two hundred seventy (270) feet from the corner of Everett Street to one hundred fifty (150) feet northerly.
 Haskell Street, easterly side, from Hale Street four hundred twenty-five (425) feet north.
 Haskell Street, west side from utility pole #1741 south to Hale Street.
 Heather Street, northeasterly side, from Colon Street to 20' north of 34 Heather Street.
 Heather Street, southwest side, from Herrick Street, two hundred (200) feet southeasterly.
 Herrick Street, both sides, from Sohier Road to Thompson Road.
 Herrick Street, both sides, from Sohier Road to one hundred twenty (120) feet southwest.
 Herrick Street, easterly side, from Sohier Road to eighty (80) feet northeasterly.
 Herrick Street, northerly side, from Cabot Street to the end.
 Hersey Avenue, easterly side, from Bridge Street to the end of Hersey Avenue.
 Hidden Road, both northerly and southerly side, from the corner of Brackenbury Lane to the cul-de-sac.
 Highland Terrace, both sides, from Highland Avenue to dead end.
 Hill Street, both sides, entire length.
 Hillside Avenue, both sides, from Elliott Street to eighty (80) feet southerly.
 Home Street, southerly side, from Rantoul Street to Bow Street.
 Hopkins Avenue, westerly side, entire length.
 Ives Street, northerly side, from Lovett Street to Lothrop Street.
 Jackson Street, southerly side, entire length.
 Jordan Street, westerly side, from Kittredge Street to Russell Street
 Judson Street, northerly side, from Cabot Street to Mulberry Street.
 Kernwood Avenue, westerly side, from Bridge Street, two hundred (200) feet southerly.
 Kernwood Bridge, both sides, entire length.
 Lakeview Avenue, southerly side, from Enon Street to fifty (50) feet westerly.
 Laurel Street, north and south sides between Dodge Street and Budleigh Avenue

Lenox Street, northerly side, entire length.
 Lenox Street, southerly side, entire length.
 Longmeadow Road, easterly side, from Cabot Street to Sonning Road.
 Longmeadow Road, westerly side, from Cabot Street to Edgewood Road.
 Lothrop Street, westerly side, from Stone Street to Hale Street.
 Lovett Street, easterly side, from Bartlett Street to Smith Street.
 Lovett Street, westerly side, from Bartlett Street to Washington Street.
 Marshall Court, east side from dead end to Webber Avenue.
 Marshall Court, northerly side.
 Matthies Street, southerly side, from McKay Street to Glidden Street.
 May Street, northerly side, from Cabot Street to Lovett Street.
 May Street, southerly side, from Lovett Street, one hundred thirty-seven (137) feet west.
 McKay Street, westerly side, from Elliott Street to Goodyear Street.
 McKay Street, easterly side, from Elliott Street to Sturtevant Street.
 McKay Street, westerly side, from the main driveway of Beverly Golf and Tennis forty-three (43) feet northerly.
 McPherson Drive, both sides, entire length.
 Mechanic Street, westerly side, from West Dane Street to Roundy Street.
 Melvin Avenue, northerly side, entire length.
 Mill Street, southerly side, from the footbridge to Beckford Street.
 Milton Court, both sides from Cabot Street to Broadway.
 Montserrat Road, from Spring Street two hundred eighty (280) feet easterly, then two hundred forty (240) feet northerly to Colon Street, either side, entire length.
 Monument Square, on all sides of the monument.
 Monument Square, easterly side, from Abbott Street to Atlantic Avenue, northerly.
 Moulton Court, both sides, entire length.
 Mulberry Street, westerly side, from West Dane Street to Federal Street.
 Myrtle Street, northerly side, entire length.
 Neptune Street, both sides, entire length.
 Netherton Avenue, northerly side (in front of #12 and #14) from Western Avenue three hundred (300) feet westerly.
 New Balch Street, westerly side, from Jenness Street six hundred (600) feet north.
 Newbury Street Extension, both sides, entire length.
 Ober Street, both sides, entire length.
 Ocean Street, northeasterly side, from Lovett Street northwesterly one hundred (100) feet.
 Ocean Street, southerly side, from Hale Street to end.
 Oceanside Drive, both sides, entire length.
 Odell Avenue, southerly side, from Magnolia Street to Spring Street.
 Old Rubbly Road, Both Sides, from Essex Street 150'.
 Overlook Avenue, northerly side, from Echo Avenue to one hundred (100) feet westerly.
 Park Street, easterly side, from Bow Street to Elliott Street.
 Park Street, easterly side, from Railroad Avenue, thirty (30) feet north and from Broadway, thirty (30) feet south.
 Park Street, easterly side, from Pleasant Street to Railroad Avenue.
 Park Street, westerly side, from Elliott Street eighty (80) feet south.
 Park Street, westerly side, from Federal Street to Riverside Street.

Park Street, westerly side of Park Street from a point approximately three hundred (300) feet south of Federal Street, for a distance of one hundred eighty-five (185) feet.
 Park Street, westerly side, one (1) spot across from number 59 Park Street.
 Park Street, westerly side, from Roundy Street fifty-four (54) feet south.
 Pershing Avenue, easterly side, from Dodge Street four hundred eight (408) feet north.
 Phillips Street, northerly side, entire length.
 Phillips Street, southerly side, from Pleasant Street to sixty (60) feet westerly.
 Pickett Court, easterly side, from Hale Street to end.
 Pickett Street, northerly side, from Cabot Street to Odell Avenue.
 Pickman Road, both sides, from Hale Street to Neptune Street.
 Pleasant Street, south side, from Rantoul Street to River Street.
 Pond Street, northerly side, from Mulberry Street, sixty (60) feet westerly.
 Pond Street, northerly side, from Cabot Street to Chapman Street.
 Pond Street, southerly side, from Rantoul Street to Chase Street.
 Porter Street, easterly side, from School Street to Webber Avenue.
 Preston Place, either side, from Hart Street to end.
 Prince Street, both sides, entire length.
 Prospect Street, easterly side, from Charnock Street to Madison Avenue.
 Quincy Park, both sides, entire length.
 Railroad Avenue, southerly side, from Cabot Street to Hardy Street.
 Rantoul Street, easterly side, from property line of 119 Rantoul Street to Pleasant Street.
 Rantoul Street, easterly side, from the south side of Elliott Street to a point fifty (50) feet on Rantoul Street.
 Rantoul Street, easterly side, from the north side of Federal Street to a point thirty (30) feet on Rantoul Street.
 Rantoul Street, westerly side, in front of driveways 446 448 Rantoul Street.
 Rantoul Street, westerly side, from the north side of Elliott Street to a point twenty-five (25) feet north on Rantoul Street.
 Rantoul Street, westerly side, from the south side of Elliott Street to a point thirty (30) feet on Rantoul Street.
 Rantoul Street, westerly side, from the north side of Federal Street to a point twenty-five (25) feet on Rantoul Street.
 Rantoul Street, westerly side, from the south of Federal Street to a point twenty-five (25) feet on Rantoul Street.
 Rantoul Street, westerly side, from Cabot Street to ninety (90) feet southerly.
 Rantoul Street, westerly side, in front of 50 Rantoul Street, two (2) spaces.
 Rantoul Street, west side, southerly, from a point 100 feet south of driveway at #446 Rantoul Street to Elliott Street
 Rantoul Street, west side, southerly between #446 and #474 (one space).
 River Street, easterly side, from Federal Street to three hundred fifty (350) feet south of Pleasant Street.
 River Street, east and west side from curb cut at #6 River Street to School Street.
 River Street, westerly side, from Bridge Street four hundred twenty-two (422) feet to five hundred twenty-nine (529) feet south.
 River Street, westerly side, from Pleasant Street one hundred (100) feet north.

River Street, westerly side, from Pleasant Street three hundred eighty-six (386) feet to four hundred forty-six (446) feet north

River Street, westerly side, from Federal Street to a point one hundred (100) feet south of Bridge Street.

River Street, westerly side forty (40) feet either side of the Beverly Gas and Electric Company main driveway.

River Street, westerly side, opposite Pleasant Street, between the driveways of Boston Gas Co., and Mass Electric Company.

Riverside Street, southerly side, from Park Street westerly to the end.

Riverside Street, northerly side, from property of Clemenzi easterly twenty-five (25) feet.

Roosevelt Avenue, southerly side, from Cabot Street two hundred seventy-two (272) feet easterly.

Ropes Street, easterly side, entire length.

Roundy Street, northerly side, from Cabot Street to Park Street.

Salem W. W. Road, both sides, from Herrick Street northerly to beyond New Beverly High School property line.

Salters Avenue, easterly side, from Crescent Avenue eighty (80') feet northerly.

School Street, northerly side, from Rantoul Street to Cabot Street.

School Street, northerly side, from River Street, eighty feet easterly.

School Street, thirty (30) feet southerly and thirty (30) feet easterly from Wellman Street.

Scott Street, northerly side, from Cabot Street to Ellsworth Avenue, entire length.

Seward Avenue, northerly side, entire length.

Silver Court, easterly side, entire length.

Silver Court, westerly side, entire length.

Simon Street, southerly side, entire length.

Smith Street, both sides, entire length.

Sohier Road, easterly side, from Colon Street to Herrick Street Extension.

Sohier Road, easterly side, from Herrick Street three hundred seventy (370) feet south.

Sohier Road, easterly side, from Herrick Street one hundred (100) feet southerly.

Sohier Road, westerly side, from Herrick Street to one hundred twenty (120) feet northerly.

Sohier Road, southerly side, from Herrick Street one hundred twenty-five (125) feet east.

South Street, easterly side, from Stone Street to Front Street.

South Hardy Street, easterly side, from Fayette Street to the end.

Stewart Avenue, northerly side, from Giles Avenue to County Way.

Stone Street, northerly side, from Cabot Street to Lothrop Street.

Stone Street, southerly side, from Lothrop Street to one hundred twenty-five (125) feet west.

Stone Street, southerly side, from Cabot Street to South Street.

Story Avenue, northeasterly side, from Sohier Road to the front entrance of 65 Story Avenue.

Story Avenue, southwesterly side, from Sohier Road to Dearborn Avenue.

Sturtevant Street, southerly side, from McKay Street to Glidden Street.

Summer Street, northerly side, in front of number 9.

Summer Street, southerly side, entire length.

Summit Avenue, both sides, entire length, from Cabot Street to Cox Court.

Thorndike Street, one (1) space between the entrance and exit to the city hall parking area.
 Tozer Road, from a point three hundred seventy-five (375) feet north of the railroad crossing and continuing northerly to a point ten (10) feet south of the present fire hydrant, northerly side.
 Tozer Road, southerly side, entire length.
 Vestry Street, northerly side, from Cabot Street to Vestry Terrace.
 Vestry Street, south side, from Cabot Street to the end.
 Vine Street, northerly side, from Oak Street to Hale Street.
 Wallis Street, northerly side, from Cabot Street to #49 Wallis Street.
 Wallis Street, northerly side, from Park Street to forty (40) feet easterly.
 Washington Street, northerly side, from Cabot Street, one hundred forty (140) feet east.
 Water Street, northerly side, beginning at a point three hundred (300) feet west of Lothrop Street, westerly to Front Street.
 Water Street, north side opposite 122 Water Street (one space) at Silvert Court.
 Water Street, southerly, from Cabot Street to 77 Water Street.
 Water Street, southerly from Lothrop Street to the Ocean.
 Webber Avenue, southerly side, from 6 Webber Avenue to River Street.
 Webber Avenue, southeasterly side, from Porter Street to forty (40) feet northeasterly.
 Wellman Street, thirty (30) feet easterly and thirty (30) feet westerly from School Street.
 Wentzell Avenue, both sides, from Bartlett Street to Smith Street.
 West Dane Street, both sides, from Rantoul Street to Park Street.
 West Dane Street, southerly side, from Chase Street to Park Street.
 West Dane Street, southerly side, from Cabot Street to Mulberry Street.
 West Dane Street, southerly side, from the entrance of Clemenzi Industrial Park to Park Street.
 West Federal Street, from McPherson Drive to a point thirty (30) feet westerly
 Wilkins Terrace, northerly side along the grass center divider, entire length.
 Wilkins Terrace, southerly side, opposite side of the grass center divider, house side.
 Willow Street, easterly side, from Bay to Lovett Street.
 Winter Street, northerly side, from Knowlton Street to Essex Street.
 Woodbury Street, both sides, from Ober Street to the water.
 Woodbury Street, northeasterly side, from Woodbury Drive to Hale Street.
 Woodbury Street, southerly side, from Hale Street to Ober Street.
 Woodland Avenue, southerly side, from Kernwood Heights to one hundred (100) feet easterly.
 (Rev. Ords. 1973, § 15-43; Ord. No. 204, § 1, 5-19-87; Ord. No. 358A, § 1, 8-3-87; Ord. No. 435, § 1, 9-8-87; Ord. No. 411, § 1, 9-21-87; Ord. No. 548, § 1, 11-16-87; Ord. No. 554, § 1, 11-16-87; Ord. No. 39, § 1, 2-1-88; Ord. No. 35A, § 1, 2-16-88; Ord. No. 36, § 1, 2-16-88; Ord. No. 38, § 1, 2-16-88; Ord. No. 221, § 1, 4-4-88; Ord. No. 155, § 1, 4-4-88; Ord. No. 285, § 1, 5-16-88; Ord. No. 395, § 1, 9-19-88; Ord. No. 476B, § 1, 9-19-88; Ord. No. 478, § 1, 9-19-88; Ord. No. 482A, § 1, 11-7-88; Ord. No. 525, § 1, 10-3-88; Ord. No. 536, § 1, 11-7-88; Ord. No. 66, 1-17-89; Ord. No. 354, 9-18-89; Ord. No. 357A, 9-18-89; Ord. No. 452, 11-20-89; Ord. No. 470, 11-20-89; Ord. No. 123, 2-20-90; Ord. No. 124, 2-20-90; Ord. No. 125, 2-20-90; Ord. No. 145, 3-5-90; Ord. No. 242, 4-2-90; Ord. No. 267, 5-7-90; Ord. No. 458, 9-17-90; Ord. No. 531, 10-15-90; Ord. No. 409, 10-

21-91; Ord. No. 458, 12-2-91; Ord. No. 47, 2-3-92; Ord. No. 438, 10-19-92; Ord. No. 184, 4-5-93; Ord. No. 189, 4-5-93; Ord. No. 358, 9-7-93; Ord. No. 204, 4-19-94; Ord. No. 175, 5-16-94; Ord. No. 323A, 7-21-94; Ord. No. 391, 10-3-94; Ord. No. 404, 11-7-94; Ord. No. 462, 1-5-95; Ord. No. 34, 2-8-95; Ord. No. 36, 1-17-95; Ord. No. 75, 2-16-95; Ord. No. 224, 5-15-95; Ord. No. 255, 6-5-95; Ord. No. 266, 6-19-95; Ord. No. 303, 8-1-95; Ord. No. 304, 8-1-95; Ord. No. 314, 9-28-95; Ord. No. 471, 12-4-95; Ord. No. 138, 5-13-96; Ord. No. 139, 5-13-96; Ord. No. 209, 7-3-96; Ord. No. 301, 7-17-96; Ord. No. 6, 2-6-97; Ord. No. 233, 8-1-97; Ord. No. 303, 11-7-97; Ord. No. 304, 11-7-97; Ord. No. 153, 5-1-98; Ord. No. 291, 10-26-98; Ord. No. 292, 10-26-98; Ord. No. 294, 10-26-98; Ord. No. 46, 1-6-99; Ord. No. 68, 2-22-99; Ord. No. 127, 5-6-99; Ord. No. 272, 10-21-99; Ord. No. 328, 11-17-99; Ord. No. 350, 11-17-99; Ord. No. 63, 5-8-2000; Ord. No. 388, 12-20-2000; Ord. No. 100, 4-4-2002, Ord. No. 164, 5-22-2002; Ord. No. 227, 7-8-2002; Ord. No. 325, 10-23-2002; Ord. No. 381, 12-4-2002; Ord. No. 84, 4-10-2003; Ord. No. 124, 5-7-2003; Ord. No. 258, 11-5-2003; Ord. No. 260, 10-8-2003; Ord. No. 231, 9-9-2004; Ord. No. 236, 9-9-2004; Ord. No. 311, 11-17-2004; Ord. No. 346, 1-6-2005; Ord. No. 36, 3-7, 2007; Ord. No. 88, 5-16-2007; Ord. 21, 2-21-2008; Ord. No. 111A, 1-26-2009; Ord. No. 130; 10-07-2009; Ord. No. 42, 4-8-2010; 43B, 4-8-2010; Ord. No. 149, 9-23-2010; Ord. No. 150, 9-23-2010; Ord. No. 156, 9-6-2012)

(f) Same During certain months.

(i) Upon the following streets and highways, or parts thereof, parking is prohibited during the periods specified:

1) From May first until October first:

Bayview Avenue, both sides.

Brackenbury Lane, both sides.

Hale Street, both sides from Oak Street to Beach Street.

Hale Street, both sides, from Ober Street to Neptune Street.

Hale Street, westerly side to Neptune Street

Ober Lane, both sides.

Water Street, northerly side, from the junction of Bartlett Street, Lothrop Street and Water Street to the water.

2) From July first until September first:

Atlantic Avenue, north side.

Ocean Street, north side.

3) From December first to April first:

Heather Street, northeasterly side, from Herrick Street to #34 Heather Street.

4) From June first to October first:

Grove Street, both sides.

(Rev. Ords.1973, § 15-44; Ord. No. 358, § 1,
8-3-87; Ord. No. 411, § 1, 9-21-87; Ord. No. 476A,
§ 1, 9-19-88; Ord. No. 435, 12-4-95; Ord. No. 139A, 5-6-96; Ord. No.196, 7-1-97; Ord.
No. 153, 5-1-98; Ord. No. 262, 10-8-2003)

(g) Same--During certain hours.

- (i) No person shall park a vehicle between the hours of 11:45 a.m. and 12:15 p.m., and 3:45 p.m. and 4:30 p.m., except Sundays and public holidays, on either side of Elliott Street, between the Boston and Maine Railroad crossing of the Portland Division and McKay Street.
- (ii) No person shall park a vehicle between the hours of 6:00 p.m. and 11:00 p.m. on the easterly side of Arthur Street between Judson and Arthur Street Court.
- (iii) No person shall park a vehicle between the hours of 8:00 p.m. and 6:00 a.m. on either side of Ocean Street from Lothrop Street to the water.
- (iv) No person shall park a vehicle between the hours of 7:00 a.m. to 5:00 p.m. on the westerly side of Rantoul Street from the southern junction of Cabot Street and Rantoul Street to a point two
- (v) hundred fifty (250) feet north.
- (vi) No person shall park a vehicle between the hours of 6:00 p.m. to 6:00 a.m. on the northerly side of Union Street from Cabot Street to Bartlett Street.
- (vii) No person shall park a vehicle between the hours of 8:00 p.m. and 8:00 a.m. on either side of Boyles Street from Hale Street to 31 Boyles Street.
- (viii) No person shall park a vehicle between the hours of 8:00 a.m. and 4:00 p.m. daily, except Saturdays, Sundays and holidays, on the westerly side of Sohier Road, from Colon Street to Mason Street; and the westerly side of Colon Street, from Sohier Road to Fielder Road.
- (ix) No person shall park a vehicle between the hours of 8:00 a.m. to 4:00 p.m. on the easterly side of Swan Street, from Sohier Road, two hundred (200) feet south.
- (x) No person shall park a vehicle between the hours of 7:00 a.m. to 1:00 p.m. on Sundays from Jenness Street to 134 New Balch Street.
- (xi) No person shall park a vehicle between the hours of 9:00 p.m. to 6:00 a.m. on Bayview Avenue, both sides.

- (xii) No person shall park a vehicle between the hours of 10:00 p.m. to 6:00 a.m. on the easterly side of Lothrop Street, from Dane Street to Hale Street.
- (xiii) No person shall park a vehicle between the hours of 9:00 p.m. to 6:00 a.m. in the small parking lot near the front of the monument at Sally Mulligan Park.
- (xiv) No person shall park a vehicle between the hours of 6:00 a.m. and 9:00 p.m. on the southerly side of Parramatta Road from Essex Street to Pearl Street Extension.
- (xv) No person shall park a vehicle between the hours of 6:00 a.m. and 10:00 a.m. on the easterly side of River Street, from Webber Avenue to driveway curb cut at #6 River Street; and on either side of Webber Avenue from River Street to Pleasant View Park.
- (xvi) No person shall park a vehicle between the hours of 7:00 a.m. to 1:00 p.m., Sundays only, on the northerly side of Fitzgerald Way beginning at New Balch, thence for ninety (90) feet easterly; and the easterly side of New Balch Street, beginning at Fitzgerald Way, thence for one hundred (100) feet northerly.
- (xvii) Parking shall be allowed in the driveways of North Shore Volkswagen from 9:00 p.m. to 8:00 a.m. Monday through Friday and from 6:00 p.m. Saturday until 8:00 a.m. Monday.
- (xviii) No person shall park a vehicle between the hours of 8:00 a.m. and 5:00 p.m. on the southerly side of Columbus Avenue.
- (xix) No person shall park a vehicle between the hours of 10:00 p.m. and 7:00 a.m. on both sides of Stone Ridge Road.
- (xx) No person shall park a vehicle between the hours of 10:00 p.m. and 7:00 a.m. on Hale Street, easterly side, from Pickman Road to Brackenbury Lane, and from number 233 to number 245 Hale Street.
- (xxi) No person shall park a vehicle between the hours of 12 midnight and 7:00 a.m., Sunday night thru Friday morning, during school months on the southerly side of Edwards Street.
- (xxii) No person shall park a vehicle between the hours of 8:00 p.m. and 1:00 a.m. on either side of Ash Street.
- (xxiii) No person shall park a vehicle on Chapman Street, easterly side opposite Chapman Terrace for a distance of thirty-five (35') feet, on Wednesday mornings.
- (xxiv) (x) No person shall park a vehicle between the hours of 10:00 p.m. and 6:00 a.m. on Abbott Street, from Lothrop easterly to the end.

(xxv) No person shall park a vehicle between the hours of 7:00 a.m. and 3:00 P.m. on Cross Street, westerly side, from Ray Street to opposite #45 Cross Street, Monday through Friday.

(xxvi) No person shall park a vehicle between the hours of 7:00 a.m. and 10:00 p.m. on Pleasant Street, southerly side, from Rantoul Street to Court Street.

(Rev. Ords. 1973, § 15-45; Ord. No. 435, 9-4-90; Ord. No. 530, 10-15-90; Ord. No. 249, 5-16-94; Ord. No. 323, 7-21-94; Ord. No. 35, 1-17-95; Ord. No. 96, 2-16-95; Ord. No. 493, 12-4-95; Ord. No. 311, 8-27-96; Ord. No. 223, 8-1-97; Ord. No. 294, 10-26-98; Ord. No. 383, 12-4-2002; Ord. No. 20, 2-19-2004; Ord. No. 111A, 1-26-09)

(h) Fifteen-minute parking.

(i) No person shall park a vehicle for longer than fifteen (15) minutes at any time on the following streets or parts thereof where not otherwise prohibited:

Bridge Street, southerly side from Western Avenue forty (40) feet easterly.

Broadway, southerly side, from Rantoul Street to the post office limits between the hours of 8:00 a.m. and 6:00 p.m., except on Sundays and holidays.

Cabot Street, beginning at southwesterly corner of number 294 (Cabot Street), thence northerly for fifty (50) feet.

Cabot Street, westerly side, from Pleasant Street, one hundred fifty (150) feet north.

Cabot Street, westerly side, one (1) space in front of number 146 Cabot Street.

Cabot Street, one space in front of 273 Cabot Street.

Cabot Street (8:00 A.M. to 5:00 P.M.) West Side Cabot Street extending south from corner of Bow Street to corner of Wallis Street

Cabot Street, west side, southerly from a point 30 feet south of Broadway to the first driveway at #182 Cabot Street (3 spaces)

E. Lothrop Street, easterly side, from Hale Street, fifty (50) feet northerly.

Elliott Street, northerly side, from Rantoul Street, one hundred (100) feet westerly.

Elliott Street, northerly side, in front of number 61.

Front Street, southerly side, from Cabot Street, one hundred (100) feet easterly between the hours of 8:00 a.m. and 6:00 p.m., except on Sundays and holidays.

Hale Street, northerly side from E Lothrop Street seventy-five (75) feet easterly.

Hale Street, southerly side, from Ocean Street, sixty (60) feet westerly between the hours of 8:00 a.m. and 6:00 p.m., except on Sundays and holidays.

Hale Street, area of 151 Hale Street

Lothrop Street, easterly side, from Bay Street, one hundred fifty (150) feet northerly.

Ocean Street, northerly side, 200 feet easterly.

Parramatta Road, both sides, from Essex Street to Pearl Street Extension, between the hours of 6:00 a.m. and 9:00 a.m.

Porter Street, at 18 Porter Street.

Rantoul Street, easterly side, from Railroad Avenue to Broadway between the hours of 8:00 a.m. and 6:00 p.m.

Rantoul Street, east side, at the intersection of Pond Street, beginning 20 feet north of Pond Street northerly to the first curb cut on Rantoul Street (3 spaces)

Rantoul Street, in front of number 346, to West Dane Street.

Rantoul Street, westerly side, from Broadway to Railroad Avenue between the hours of 8:00 a.m. and 6:00 p.m.

Rantoul Street, westerly side, from School Street to 38 Rantoul Street. Rantoul Street, front of 124 Rantoul Street, 2 spaces.

Rantoul Street, in front of 410 Rantoul Street.

Webster Avenue, easterly side, from Haskell Street one hundred fifty (150) feet northerly.

West Street, three (3) spaces in front of #1 West Street, between the hours of 6:00 a.m. to 8:00 p.m., 7 days a week.

West Street, two (2) spaces in front of number 36.

(Rev. Ords. 1973, § 15-46, Ord. No. 145, 3-16-92; Ord. No. 165, 3-15-93; Ord. No. 310, 6-20-94; Ord. No. 422, 12-2-96; Ord. No. 52, 2-22-99; Ord. No. 334, 12-20-2000; Ord. No. 58, 3-30-2001; Ord. No. 236, 9-9-2004; Ord. No. 16, 3-9-2006; Ord. No. 229, 11-22-2006; Ord. No. 62, 5-16-2007; Ord. No. 105A, 7-29-2008; Ord. No. 46, 5-6-2009; Ord. No. 41, 4-8-2010)

(i) Thirty-minute parking.

- (i) No person shall park a vehicle for longer than one-half (1/2) hour on the following streets or portions of streets:

Bow Street (8:00 AM to 5:00 PM) South side of Bow Street extending 115 (one hundred fifteen feet) west of Cabot Street (5 spaces)

Cabot Street, east side, adjacent to number 369-371 Cabot Street, extending 45 feet from crosswalk ramp northerly to first curb cut at driveway entrance (2 spaces)

Cabot Street, southerly side, from 378 to 380 Cabot Street.

Elliott Street, southerly side, from Galloupe Avenue to a point sixty (60) feet easterly toward Cabot Street.

Front Street, southerly side, two (2) spaces in front of number 1-3 Front Street.

Goat Hill Lane, southerly side, from Cox Court to Cabot Street.

Hale Street, one (1) space, in front of 723 Hale Street.

Hale Street, westerly side, from 724 Hale Street to Pickett Court.

Hale Street, southerly side, from Lothrop Street to Ober Street.

Pond Street, northerly side, from Chase Street to Rantoul Street.

West Street, from #25 to #31 West Street 8:00 a.m. to 5:00 p.m.

(Rev. Ords. 1973, § 15-47; Ord. No. 37, § 1, 2-1-88; Ord. No. 285, 6-19-89; Ord. No. 357, 9-18-89; Ord. No. 427, 11-18-91; Ord. No. 94, 3-6-95; Ord. No. 137, 5-13-96; Ord. No. 290, 11-7-97; Ord. No. 180, 6-28-99; Ord. No. 210, 7-21-99; Ord. No. 137, 6-21-2006; Ord. No. 105A, 7-29-2008; Ord. No. 271, 1-7-09)

(j) One Hour Parking

- (i) No person shall park a vehicle for longer than one (1) hour at any time, between the hours of 9:00 a.m. and 6:00 p.m. of any day, except Saturday and then between the hours of 9:00 a.m. and 9:00 p.m. on any of the following streets or parts thereof where not otherwise prohibited; except, that on Sundays and public holidays there shall be no restrictions of parking time:

Beckford Street, westerly side, from Cabot Street to Grant Street.
Bow Street, southerly side, from Rantoul Street to a point sixty (60) feet westerly.
Broadway, northerly side, from Rantoul Street to Park Street.
Cabot Street, both sides, from Judson Avenue to Railroad Avenue.
Cabot Street, northerly side, from Pickett Street to the Boston and Maine Railroad at Gloucester Crossing.
Cabot Street, northerly side, from Boston and Maine Crossing at Congress Street, extending eighty (80) feet easterly.
Cabot Street, easterly side, from Bartlett Street, one hundred twenty (120) feet north.
Cabot Street, southerly side, from Lenox Street to Rantoul Street.
Cabot Street, southerly side, from Gloucester Crossing to Simon Street.
Cabot Street, westerly side, from Highland Avenue seventy-five (75) feet northerly.
Elliott Street, southerly side, in front of number 8.
Essex Street, westerly side, from Dane Street to Winter Street.
Highland Avenue, northerly side from Cabot Street sixty (60) feet west.
Highland Terrace, southerly side, entire length.
Park Street, westerly side, from Roundy Street to West Dane Street, southerly.
Pickett Street, southerly side, from Cabot Street to opposite Odell Avenue.
Railroad Avenue, southerly side, from Rantoul Street to Park Street.
Railroad Avenue, northerly side, from Rantoul Street to Park Street.
Rantoul Street, both sides, from Elliott Street to Broadway.
Rantoul Street, both sides, from 501 Rantoul Street to the junction of Rantoul and Cabot Streets at Gloucester Crossing.
Rantoul Street, both sides, from Broadway to Wallis Street.
Rantoul Street, easterly side, from Federal Street to two hundred eight (208) feet south of Roundy Street
Rantoul Street, easterly side, 2 spaces in front of 97 Rantoul Street.
Rantoul Street, easterly side, from the property line of 119 Rantoul Street to Railroad Avenue.
Rantoul Street, easterly side, from School Street to Fayette Street.
Rantoul Street, east side, adjacent to number 393 Rantoul Street, 70 feet northerly from driveway entrance to Roundy Street (3 spaces).
Rantoul Street, westerly side, from Federal Street to Creek Street
Rantoul Street, westerly side, from 40 Rantoul Street to 50 Rantoul Street.
Rantoul Street, westerly side, from number 112 Rantoul Street to Railroad Avenue.
Rantoul Street, westerly side, in front of number 8 Rantoul Street.
Rantoul Street, west side, 80 feet south of Riverside Street to existing “No Parking Here to Corner”, prior to Federal Street.
Rantoul Street, from the northern junction of Rantoul and Cabot Streets, one hundred forty (140) feet southwestly.
Riverside Street, south side, 65 feet west of Rantoul Street to first curb cut (2 spaces).

Thorndike Street, northerly side, from the city hall parking lot to Brown Street.
Vine Street, southerly side, from Hale Street, two hundred (200) feet easterly.
West Street, northerly side, in front of #8 to #16 West Street

(ii) (deleted by Ord No. 108, 5-24-2005)

(iii) No person shall park a vehicle for longer than one (1) hour, Monday through Saturday from 7:00 a.m. to 10:00 p.m.:

Rantoul Street, in front of 116-122 Rantoul Street, 3 spaces.

(Rev. Ords. 1973, § 15-48; Ord. No. 69, § 1, 1-21-85; Ord. No. 512, § 1, 9-19-88; Ord. No. 335, 6-30-93; Ord. No. 174, 4-4-94; Ord. No. 422, 12-2-96; Ord. No. 180, 6-28-99; Ord. No. 57, 3-30-2001; Ord. No. 58, 3-30-2001; Ord. No. 171, 6-4-2003; Ord. No. 108, 5-24-2005; Ord. No. 16, 3-9-2006 Ord. No. 269, 1-7-09; Ord. No. 270, 1-7-09)

(k) Two-hour parking.

(i) No person shall park a vehicle for longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. on the following streets or portions of streets:

Cabot Street, easterly side, two (2) spaces in front of number 27 Cabot Street.
Edwards Street, northerly side, for the entire length.
Gardner Street, southerly side from Essex Street one-hundred (100) feet easterly.
Hale Street, northwesterly side, from Everett Street to West Street.
Mill Street, northerly side, from Ropes Street easterly to Beckford Street.
Oak Street, northerly side, from West Street, one (1) space.
Park Street, westerly side, 2 spaces in front of 90 Park Street.
Pleasant Street, southerly side from Rantoul Street to Park Street.
Rantoul Street, both sides, from Wallis Street to Federal Street.
Ropes Street, westerly side, from Mill Street to Simon Street.
West Street, easterly side, in front of #40 West Street, two (2) spaces.

(b) No person shall park a vehicle for longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. from Monday through Friday on the following streets or portions of streets:

Balch Street, both sides, from Cabot Street to Blaine Avenue.
Broadway, both sides, from Cabot Street to Rantoul Street, all unmetered spaces.
Gage Street, easterly side.
Rantoul Street, westerly side, from number 50 to number 112 Rantoul Street.
Spring Street, easterly side, from Essex Street to Odell Avenue.
Spring Street, westerly side from Colon Street to the railroad tracks.

(c) No person shall park a vehicle for longer than two (2) hours on the following streets or portions of streets:

Elliott Street, from one hundred (100) feet west of Rantoul Street to the Gloucester Branch of the Boston and Maine Railroad.
River Street, easterly side, from Pleasant Street, easterly side seven hundred fifty (750) feet north.

River Street, westerly side, in front of #60 River Street, three (3) spaces.
 (d) No person shall park a vehicle for longer than two (2) hours, between the hours of 7:00 a.m. and 12 noon, Monday, through Friday, on the following streets:
 Bridge Street, northerly from forty (40) feet west of Hall-Whitaker Bridge to paved walk-way into Ayers Ryal Side School.
 Fayette Street, northerly side, from Rantoul Street to South Hardy Street.
 Federal Street, southerly side from Rantoul Street to Chase Street
 Hawthorne Street.
 Highland Avenue, westerly side, from #16 Highland Avenue to Railroad Avenue.
 Jewett Road, both sides, from Lakeshore Avenue to Bonad Road.
 Jordan Street, easterly side, from Kittredge Street to Russell Street.
 Kittredge Street, both sides, from Cabot Street to Jordan Street.
 Lakeshore Avenue, both sides, from Essex Street to Bonad Road.
 Lowell Street.
 Magnolia Street.
 Odell Avenue, northerly side from Spring Street to Sherman Street.
 Pleasant Street, both side, from Cabot Street to Rantoul Street.
 Railroad Avenue, northerly side, from No. 43 Railroad Avenue to No. 49 Railroad Avenue.
 Russell Street, both sides, from Jordan Street to Windsor Road.
 Wallis Street, southerly side, from 46 to 22 Wallis Street.
 (e) No person shall park a vehicle for longer than two (2) hours, between the hours of 7:00 a.m. and 12 noon, Monday through Friday, from September to June, on the following streets:
 Jordan Street, westerly side, from Russell Street, to #35 Jordan Street.
 Snell Road, both sides, entire length.
 Tudor Road, northerly side, entire length.

(Rev. Ords. 1973, § 15-49; Ord. No. 511, § 1, 9-19-88; Ord. No. 354A, 9-18-89; Ord. No. 529, 10-15-90; Ord. No. 21, 1-22-91; Ord. No. 52, 1-791; Ord. No. 46, 2-3-92; Ord. No. 129, 3-2-92; Ord. No. 60, 1-20-93; Ord. No. 356, 10-14-93; Ord. No. 15, 2-17-94; Ord. No. 382, 11-7-94; Ord. No. 414, 9-28-95; Ord. No. 435, 10-16-95; Ord. No. 436, 10-16-95; Ord. No. 470, 12-4-95; Ord. No. 29, 3-28-97; Ord. No. 153, 5-1-98; Ord. No. 68, 2-22-99; Ord. No. 73, 3-16-99; Or. No. 349, 11-22-2000; Ord. No. 101, 5-29-2001; Ord. No. 13, 2-5-2003; Ord. No. 76, 3-19-2004; Ord. No. 111, 6-24-2004; Ord. No. 199, 6-24-2004; Ord. No. 79, 4-22-2005; Or. No. 108, 5-24-2005; Ord. No. 15, 3-9-2006)

(l) Off-street parking-Generally.

- (i) In the public parking area at the rear of Dana Block there shall be no parking from 7:00 a.m. to 9:00 a.m. and two-hour parking from 9:00 a.m. to 9:00 p.m.
- (ii) In the public parking area known as the Irving property there shall be no parking from 7:00 a.m. to 9:00 a.m. and two-hour parking from 9:00 a.m. to 9:00 p.m.
- (iii) In the public parking area at Washington Street and Franklin Place there shall be no parking from 7:00 a.m. to 9:00 a.m.

(iv) In the municipal parking lot on the westerly side of Chapman Street and the southerly side of Federal Street at the corner of Federal and Chapman Streets there shall be no parking from 7:00 a.m. to 3:00 a.m. and two-hour parking from 8:00 a.m. to 9:00 p.m.

(v) In the municipal parking lot known as the Court Street Municipal Parking lot there shall be marked spaces in this lot subject to all City of Beverly parking fees and regulations. The fee for parking shall be established by the City of Beverly and posted at the lot. The hours of operations shall be daily from 5 a.m. to 1 a.m. Vehicles parked after 1 a.m. shall be subject to ticketing and/or towing. There shall be no fee for parking in this lot on Sundays and holidays.

(vi) In the parking area at the YMCA McPherson Youth Center, 4 McPherson Drive, there shall be 3 Handicap spaces and the remainder of the lot shall be marked "Parking for McPherson Youth Center Only.

(Rev. Ords. 1973, § 15-50; Ord. No. 95, 3-25-98; Ord. No. 193, 6-10-2004; Ord. No. 68, - 2012)

(m) Same Public hearing prior to acquisition.

(i) No vote authorizing the establishment or acquisition of any municipal off-street parking area shall be effective until after the City Council has held a public hearing thereon after seven (7) days published notice thereof and such vote has remained on file with the city clerk for public inspection for at least one (1) week before the final passage.

(Rev. Ords. 1973, § 15-51)

(n) Angle parking.

(i) The following streets and ways or parts thereof upon which angle parking shall be permitted are hereby designated:

Briscoe Street, westerly side, from Essex Street, eighty (80) feet south.

Pond Street, northerly side, from 49 Pond Street to Rantoul Street.

Railroad Avenue, southerly side, from Park Street to Rantoul Street.

(ii) Upon these streets, which have been marked or signed for angle parking, vehicles shall be parked with one (1) wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such marks or official signs.

(Rev. Ords. 1973, § 15-52)

(o) Bus stops.

(i) No person shall park a vehicle other than a bus in a bus stop.

(ii) No person shall park a bus upon any street within a business district at any place other than a bus stop, when a nearby bus stop is available for use.

(Rev. Ords. 1973, § 15-53)

(p) Taxicab stands.

- (i) No person shall park a vehicle other than a taxicab upon any street within a business district in any taxicab stand for a period of time longer than fifteen (15) minutes, except while actually engaged in loading and unloading, provided that such loading and unloading does not exceed a period of time longer than one-half (1/2) hour.
- (ii) No person shall park a taxicab upon any street within a business district at any place other than the taxicab stand or stands designated for the use of his taxicab, except while engaged, or while waiting for an opportunity to use a taxicab stand designated for his use.

(Rev. Ords. 1973, § 15-54)

(q) Service and loading zones.

- (i) No person shall park a vehicle upon any street in any loading zone for a period of time longer than fifteen (15) minutes, except while actually engaged in loading or unloading, provided that such loading and unloading does not exceed a period of time longer than one-half hour.

(Rev. Ords. 1973, § 15-55)

(r) Snow/ice emergency parking ban.

- (i) The purpose of the emergency parking ban shall be to provide for the safe movement of police, fire and emergency medical service vehicles during snow and ice storms and otherwise provide for public safety during winter weather conditions. The parking ban shall also serve to enhance the capability of the Department of Public Services to effectively and efficiently remove snow and ice from the roadways.
- (ii) The parking ban shall be implemented in a manner that provides for public safety while inconveniencing the smallest number of residents for the shortest possible time.
- (iii) Emergency declaration of the parking ban. Snow/ice emergencies shall automatically be enacted upon occurrence of the following and be reaffirmed by a declaration by the Director of Public Services:
 - 1) Snow or freezing rain has fallen, or is imminent.
 - 2) National and/or local television and/or radio stations are predicting a snow or ice storm.

- (iv) Duration of emergency parking ban. The parking ban shall remain in effect for a minimum of forty-eight (48) hours. The Director of Public Services shall consult with the police chief, fire chief or their designees before the ban is rescinded.
- (v) Ticketing and towing pursuant to parking ban. The chief of police shall develop procedures which insure that motor vehicles are not ticketed and/or towed unreasonably during the emergency ban.
 - 1) Parking shall be prohibited on all city streets for the duration of the parking ban.
 - 2) Vehicles parked in residential areas shall be subject to ticketing and/or towing at 8:00 p.m. to 7:00 a.m., vehicles parked in business areas shall be subject to ticketing and/or towing at 10:00 p.m. to 7:00 a.m. In severe storms, blizzards, or other occasions, parking may be restricted on all public streets twenty-four (24) hours a day.
 - 3) Winter parking ban violators shall be charged a fine of fifty dollars (\$50.00).
- (vi) Notification of public parking ban. Announcements of the snow emergencies shall be made by as many ways possible, some of which may be by telephone messages, local radio stations, local newspapers, or on cable television stations. Announcements that the snow emergency has ended will be made by the same means.
 - 1) The city will have a telephone number available, that may be called twenty-four (24) hours per day, with a recorded message that informs callers of the status of the snow emergency.

(Rev. Ords. 1973, § 15-56; Ord. No. 97, 12-16-91; Ord. No. 218, 12-6-93; Ord. No. 361, 12-31-98

(s) Parking of vehicle for sale prohibited.

- (i) It shall be unlawful for any person to park upon a street or highway any vehicle displayed for sale. (Rev. Ords. 1973, § 15-57)

(t) Stopping or standing for purposes of selling goods, etc.

(i) Pursuant to the above objective the following restrictions shall apply:

- 1) No person shall stand or stop any vehicle upon any public way in the city for a period of more than five (5) minutes for the purpose of selling or offering for sale any food, beverage or goods, wares or merchandise, therein or therefrom.

- 2) This section however, shall not apply to sales by hawkers and peddlers and others from house to house of any of the articles mentioned in chapter 101 of the General Laws in accordance therewith and with the regulations of the City Council relating thereto. (Rev. Ords. 1973, § 15-58)
- (u) Cramp wheels when parking on hill.
 - (i) No person having charge of any motor vehicle shall allow it to remain standing unattended in any street or highway upon any gradient or hill without first setting the wheels of such vehicle toward the curb and in such a position as to prevent the vehicle from rolling down the roadway should the brakes loosen. (Rev. Ords. 1973, § 15-59)
 - (v) Towing of vehicles parked in special areas.
 - (i) Any vehicle parked in any of the following areas shall be towed at the owner's expense to the property of the tow car operator, under the direction of the police department:

Arthur Street, northerly side, from Chase Street to Mulberry Street.

Arthur Street, either side, from Judson Street to one hundred forty (140) feet southerly.

Bridge Street, southerly side, from Folger Avenue to Kernwood Avenue.

Briscoe Street, easterly side, in front of 3 Ellis Square.

Briscoe Street, westerly side, from Hale Street to thirty (30) feet northerly.

East Street, either side, between Victor Avenue and the fence at Cooney Field.

Elliott Street, southerly side, from Park Street to Rantoul Street.

Essex Street, southerly side, from Route 128 to Miller Road.

Essex Street, easterly side, from Church Street to Dane Street.

Hale Street, northerly side, from Briscoe Street to fifty (50) feet easterly.

Heather Street, both sides, from Colon Street to Westerly Road.

Highland Avenue, northerly side, from eighty (80) feet west of Cabot Street to Railroad Avenue.

Highland Avenue, southerly side, from Cabot Street ninety feet (90) westerly.

Judson Street, northerly side, from Chase Street to Cabot Street.

Kittredge Street, from property of City of Beverly, Beverly High School, one hundred (100) feet southwestly.

Liberty Street, northwestly side, from Newbury Street to the end of Liberty Street from September 1 to November 30.

4 McPherson Drive, vehicles not identified as McPherson Youth Center patrons

Mulberry Street, westerly side, from Federal Street to West Dane Street.

Park Street, westerly side, from Federal Street fifty-eight (58) feet.

Russell Street, both sides, from Cabot Street to Windsor Road.

Russell Street, from property of City of Beverly, Beverly High School, one hundred (100) feet southwestly.

Spring Street, easterly side, from Colon Street to the railroad tracks.

Spring Street, westerly side, from Odell Avenue to Essex Street.

Winter Street, southerly side, two (2) spaces opposite exit of Library parking lot, roughly in front of No. 11 Winter Street.

(Rev. Ords. 1973, § 15-60; Ord. No. 352A, 9-18-89; Ord. No. 210, 4-2-90; Ord. No. 325, 6-4-90; Ord. No. 452, 10-15-90; Ord. No. 287, 9-3-91; Ord. No. 46A, 2-3-92; Ord. No. 230, 6-1-92; Ord. No. 206, 4-19-94; Ord. No. 94A, 3-6-95; Ord. No. 293, 10-26-98; Ord. No. 100 4-4-2002; Ord No. 295, 10-9-2002; Ord. No. 58, 3-19-2003; Ord. No. 260, 10-6-2004; Ord No. 68, - -2012)

- (w) Commercial vehicles prohibited from parking in residential districts; exception; penalty.
 - (i) For the purposes of this section, "commercial vehicles" is defined as any vehicle registered for commercial purposes and designed and used primarily for the transportation of goods, wares or merchandise, as defined by the state department of public works' rules, article 1, section 1, subparagraph (JJ).
 - (ii) No commercial vehicle having a gross weight of six (6) tons (twelve thousand (12,000) pounds), shall be allowed to park on any street in any "R" (residential) district within the city, except for the purpose of receiving or discharging passengers, or for loading or unloading goods. Any vehicle not actually engaged in receiving or discharging passengers or loading and unloading goods shall be subject to the penalties, provided by chapter 90, section 20c, and chapter 40, section 22d of the General Laws, and shall be liable to charges for the removal and storage of the vehicle.
 - (iii) Any person who violates any provision of this section shall be subject to a fifty-dollar fine. (Rev. Ords. 1973, § 15-61)
- (x) City hall parking regulations.
 - (i) *Authorized parking, defined.* Authorized parking is defined as parking within the marked spaces solely for the purposes of access to and egress from motor vehicles by persons whose space is specifically designated whether it be by signs, markings or painted-on surfaces of the lot.
 - (ii) *Authorized entrance and exit, defined.* Entry or access into the city hall parking lot shall be at the most easterly driveway on the northerly side of Thorndike Street. Exit or egress shall be at the most westerly driveway nearer Cabot Street on the same northerly side of Thorndike Street. Thus, both access and egress will constitute one-way traffic through the parking lot.
 - (iii) *Unauthorized obstructions, defined.* No person shall willfully obstruct the city hall parking lot or any of the designated parking spaces, whether by motor vehicles, bicycles, snow, articles, or anything that will prevent free movement or emergency vehicles, both police and fire motorists or pedestrians from using the parking lot.

(iv) *Unauthorized parking defined.* Unauthorized parking is defined as follows:

- 1) Not parking within marked lanes.
- 2) Parking in a space that is specifically designated by office or other reason, either by signs, markings or painted-on surface, or knowing that such space is used for such designated office or purpose, should such sign be unlawfully removed, destroyed or obliterated.
- 3) Parking in a visitor's space in excess of time limit.

(v) *Time.* The city hall parking regulations are effective when city hall is open during the usual business hours.

(vi) Offenses, fines.

- 1) Offenders of any of the regulations set forth in this section, may be penalized under section 14-141 of these Revised Ordinances and chapter 90, section 20 1/2 of the General Laws.
- 2) Fines under this section shall not exceed those imposed under this article and chapter 90, section 20 1/2A of the General Laws.

(vii) *Towing provisions.* Vehicles found in violation of this section may be towed under the provisions of section 27.05 by the directions of the commanding officer of the police department. Liability for the cost is set forth in section 27.03.

(viii) The owner shall be subject to penalties provided in chapter 90, section 20 1/2A of the General Laws.

(ix) Commercial activity, soliciting or selling of any kind will not be allowed in city hall parking lot.

(Rev. Ords. 1973, § 15-61B; Ord. No. 273, 6-7-93)

(y) Parking and traffic regulations on public school grounds.

- (i) The following parking and traffic regulations shall be in effect on all roads and ways of the city public school.
 - 1) No person shall park a vehicle on any of the roads and ways located or any public school grounds when prohibited to do so by designated signs.
 - 2) No person shall operate a vehicle on any of the roads and ways above the limit of eight (8) miles per hour.

- 3) The police department shall enforce all provisions of this section as well as ensuring compliance with posted parking, pedestrian and vehicular directions in order to eliminate hazardous conditions.
- (ii) Offenders of any of the regulations set forth in this section may be penalized under section 14-141 of these Revised Ordinances and chapter 90, section 20A of the General Laws.
- (iii) Fines under this section shall not exceed those imposed under section 14-141 of these Revised Ordinances and chapter 90, section 20½ A of the General Laws.
- (iv) Vehicles found in violation of this section may be towed under the provisions of section 14-220 by the directions of the commanding officer of the police department. Liability for the cost is set forth in section 14-218. The owner shall be subject to penalties provided in chapter 90, section 20 ½ A of the General Laws. (Rev. Ords. 1973, § 15-61C)
- (z) Penalty for violation of article.
 - (i) Any person who violates any parking provision of this article shall be subject to the penalties provided by chapter 90, section 20C of the General Laws and this section as follows:
 - 1) Within ten (10) feet of a hydrant 100.00
 - 2) Within ten (10) feet of a fire station entrance \$20.00
 - 3) Across street from fire station \$20.00
 - 4) Fire lane 100.00
 - 5) Obstruction of public transportation \$20.00
 - 6) Prohibited area, including Tow Zone \$50.00
 - 7) Within twenty (20) feet of intersection \$20.00
 - 8) Less than ten (10) feet of unobstructed lane \$20.00
 - 9) Across private road to driveway or within five (5) feet of either side of a driveway \$20.00
 - 10) Winter Parking Ban \$50.00
 - 11) Wrong direction \$20.00
 - 12) Handicapped zone 200.00
 - 13) Left wheels to curb \$20.00

- 14) On crosswalk or sidewalk \$20.00
 - 15) Bus stop or taxi stand 100.00
 - 16) Double parking \$15.00
 - 17) Upon a roadway in a rural district \$15.00
 - 18) Overtime (non-meter) 15.00
 - 19) Meter violation 20.00, including meter feeding
 - 20) Improper angle parking \$15.00
 - 21) Vehicle for sale \$15.00
 - 22) Safety zone \$15.00
 - 23) Over one (1) foot from curb \$15.00
 - 24) Loading or service zone \$15.00
 - 25) Snow removal \$20.00
 - 26) Street cleaning \$15.00
 - 27) Not within designated space \$15.00
- (ii) This notice may be returned by mail, personally, or by an authorized person. A hearing may be obtained upon the written request of the registered owner.
 - (iii) Failure to obey this notice within twenty-one (21) days after the date of violation may result in the nonrenewal of the license to drive and the certificate of registration on the registered owner.
 - (iv) A five-dollar surfine shall be imposed by the City of Beverly after the first twenty-one (21) days.
 - (v) If any person shall have failed to appear in accordance with five (5) or more notices, the parking clerk may notify the chief of police or the director of traffic that such vehicle is involved in multiple violations. Such vehicle will then be towed and stored at the expense of the owner until such time as the matter has been disposed of in accordance with law.

(Rev. Ords. 1973, § 15-74; Ord. No.434, § 1,9-8-87; Ord. No.450, 9-17-90; Ord. No.533, 10-15-90; Ord. No. 97, 12-16-91; Ord. No. 420, 12-2-96; Ord. No. 30, 3-28-97; Ord. No. 193, 6-10-2004; Ord. No. 194, 12-22-2010; Ord. No. 97, 6-21-2011)

(aa) School zone traffic zone.

(i) There is hereby created a school zone traffic zone, in which the speed limit will not be in excess of twenty (20) miles per hour.

(ii) The streets that will be affected are as follows:

Edwards Street, from Rantoul Street to Cabot Street.

Rantoul Street, from number 22 to number 95.

School Street, from Rantoul Street to Cabot Street.

(Ord. No. 473,11-25-91)

(bb) Acquisition and maintenance of parking meters.

(i) The Mayor is hereby empowered to contract in accordance with the provisions of chapter 40, section 22A of the General Laws, for the acquisition and installation of parking meter provided for by this division and to maintain such meters in good workable condition.

State law reference-Municipal authority to install and operate parking meters. M. G.L. c. 40, 22A.

(Rev. Ords. 1973, 15-62)

(cc) Installation and operation.

(i) The City Council is hereby authorized and directed to install parking meters within the areas described in this division or cause the same to be so installed. The meters shall be placed at intervals of not less than twenty (20) feet apart and not less than twelve (12) inches nor more than twenty-four (24) inches from the face of the curb adjacent to individual meter spaces. Meters shall be so constructed as to display a signal showing legal parking upon the deposit therein of the proper coin of the United States as indicated by instructions on such meters and for such period of time as is or shall be indicated by the City Council. Such signal shall remain in evidence until expiration of the parking period designated at which time a dropping of a signal automatically or some other mechanical operation shall indicate expiration of the parking period.

(Rev. Ords. 1973, § 15-64)

(dd) Collection and disposition of moneys.

(i) The chief of police is hereby designated as the person authorized to collect moneys deposited in parking meters or to cause the same to be so collected. Such moneys shall be deposited forthwith with the city collector-treasurer in a separate account to be known as the City of Beverly Parking Meter Account.

- (ii) All fees received by the city collector-treasurer from the operation and use of parking meters shall be used by the city as authorized by chapter 40, section 22A of the General Laws.

(Rev. Ords. 1973, § 16-65)

(ee) Public hearing required before establishment of zones.

- (i) No parking meter zone may be established until after the City Council has held a public hearing thereon after seven (7) days' published notice thereof.

(Rev. Ords. 1973, § 15-66)

(ff) Thirty-minute parking meter zones.

- (i) No person shall park a vehicle for a period of time longer than one-half hour, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday, on streets designated in this subsection. This restriction shall not apply to Sundays or legal holidays.

Cabot Street, westerly side, from Wallis Street to fifty-eight (58) feet southerly.
Wallis Street, both sides, from Cabot Street, fifty-eight (58) feet westerly.

(ii)

(Rev. Ords. 1973, § 15-66A; Ord. No. 207A, 3-19-90; Ord. No. 385A, § A, 12-16-91; Ord. No. 427, 11-18-91; Ord. No. 196, 6-24-2004)

(gg) All-day parking meters.

(i) Locations

- 1) MPL-A, rear of the Dollar Store, 50 all-day meters.
- 2) MPL-a, corner of Chapman & Federal Sts, 13 all-day meters.
- 3) MPL-C, rear Beverly Cooperative Bank, 43 all-day meters.
- 4) MPL-F, Washington Street, rear of BMFCU, 16 all-day meters.
- 5) MPL-G, corner of Hale & Brisco Sts, 11 all-day meters.
- 6) Federal Street, Opposite St. Mary's School, 6 all-day meters
- 7) Rantoul St, from #302 to #324 Rantoul St, 7 all-day meters

- (ii) Hours of Operation. Monday through Saturday, 9:00 a.m. to 5:00 p.m. Sundays and holidays are free.

(Ord. No. 98,6-18-90; Ord. No. 385,12-16-91; Ord. No. 385A, § A, 12-16-91; Ord. No. 196, 6-24-2004)

(hh) One-hour parking meter zones.

- (i) No person shall park a vehicle for a period of time longer than one (1) hour, between the hours of 9:00 a.m. and 5:00 p.m., Monday through Saturday. Sundays and holidays are free.

- 1) Briscoe Street, in front of Barrister's Hall, 5 spaces.

- 2) Cabot Street, at #296 Cabot Street, 1 space

- (ii) (Rev. Ords. 1973, § 15-67; Ord. No. 302, 6-29-89; Ord. No. 385A, § A, 12-16-91; Ord. No. 427, 11-18-91; Ord. No. 196, 6-24-2004)

(ii) Two-hour parking meter zones

- (i) No person shall park a vehicle for a period of time longer than two (2) hours, between the hours of 9:00 a.m. and 5:00 p.m. Monday through Saturday on the below listed streets. Sunday and holidays are free.

Abbott Street, both sides, from Cabot Street. two hundred (200) feet east.

Bow Street, southerly side, from Cabot Street to opposite Chapman Street.

Briscoe Street, westerly side, from Hale Street to Church Street.

Briscoe Street, easterly side, from Hale Street for fifty (50) feet of angle parking, then forty-seven (47) feet parallel parking.

Broadway, both sides, from Cabot Street to Park Street.

Cabot Street, southerly side, from police and fire alarm box opposite Colon Street to Simon Street.

Charnock Street northerly side, from Cabot Street to Pierce Avenue.

Dane Street, southerly side, from Cabot Street, two hundred (200) feet east.

Elliott Street, northerly side, from end of loading zone near Rantoul Street, two hundred ten (210) feet west.

Elliott Street, southerly side, from end of loading zone near Rantoul Street, two hundred ten (210) feet west.

Essex Street, westerly side, from Church Street two hundred ten (210) feet northerly, and from the intersection of Winter Street to the intersection of Dane Street in front of the Beverly Library, 32 Essex Street..

Federal Street southerly side, from Cabot Street to Chapman Street.

Hale Street, southerly side, from Cabot Street, two hundred (200) feet east.

Highland Avenue, northerly side, from Cabot Street, eighty (80) feet west.

Judson Street, southerly side, from Cabot Street, one hundred fifteen (115) feet west.

Knowlton Street; both sides, from Cabot Street, one hundred seventy (170) feet north.

Knowlton Street northerly side, from Cabot Street two hundred (200) feet west.

Railroad Avenue, northerly side, from Cabot Street, two hundred (200) feet west.

Rantoul Street westerly side, from Creek Street fifty (50) feet north.

Rantoul Street, easterly side, Federal Street to opposite Creek Street.

Thorndike Street, northerly side, from Cabot Street, two hundred (200) feet east.

Thorndike Street, southerly side, from Cabot Street, four hundred twenty-five (425) feet east.

Wallis Street, southerly side, from fifty-eight (58) feet westerly to one hundred (100) feet westerly.

Washington Street, southerly side, from Cabot Street, two hundred (200) feet east.

West Dane Street, northerly side, from Cabot Street, two hundred (200) feet west.

- (ii) The fee for parking under this section shall be at the rate of twenty-five cents (\$0.25) per hour with a two-hour maximum parking limit.

- (iii) MPL-A, 37 two-hour meters

MPL-C, 62 two-hour meters

MPL-F, 29 two-hour meters

MPL-G, 11 two-hour meters

- (iv) The fee for parking under this section shall be at a rate of fifty center (\$0.50) per hour.

(Rev. Ords. 1973, § 15-68; Ord. No. 207B, 3-19-90; Ord. No. 385A, § A, 12-16-91; Ord. No. 427, 11-18-91; Ord. No. 196, 6-24-2004; Ord. No. 23, 2-9-11)

- (jj) Establishment and marking of spaces.

- (i) The City Council is hereby authorized and directed to establish parking meter spaces, in such parking meter zones, as are specified in sections 14-163, 14-164 and 14-165, or as may be hereafter fixed by ordinance, and to indicate the same by white markings upon the surface of the highway.

(Rev. Ords. 1973, § 15-70; Ord. No. 196, 6-24-2004)

- (kk) Regulations as to use of spaces and meters generally.

- (i) Whenever any vehicle shall be parked adjacent to a parking meter, the owner or operator of such vehicle shall park within the space designated by street marking lines and, upon entering such space, shall immediately deposit in such meter the required coin of the United States for the maximum legal parking period both as indicated or shown on the meter and if so required set the mechanism in motion.
- (ii) It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of permitting the vehicle of which he is in charge to remain in a parking space beyond the maximum period of time allowed in a particular zone.

- (iii) It shall be unlawful for any person to park a vehicle within a parking meter space unless such vehicle is wholly within the painted lines adjacent to such meter.
- (iv) It shall be unlawful for any unauthorized person to tamper with, break, injury or destroy any parking meter or to deposit or cause to be deposited in such meter any slug, device or metallic substance or any other substitute for the coin required.

(Rev. Ords. 1973, § 15-71; Ord. No. 196, 6-24-2004)

(II) Commercial vehicles.

- (i) Operators of commercial vehicles may park in a metered space without depositing a coin for a period not to exceed fifteen (15) minutes for purposes of loading or unloading. Parking in excess of this time limit, without depositing the proper coin, shall be deemed a violation of the provisions of this division.

(Rev. Ords. 1973, § 15-72; Ord. No. 196, 6-24-2004)

(mm) Enforcement of Article.

- (i) It shall be the duty of police officers to enforce the provisions of this Article.
- (ii) Civilian Parking Meter Enforcement Officers, appointed by the Chief of Police may enforce all parking regulation within the City of Beverly.

(Rev. Ords. 1973, § 15-73; Or No. 196, 6-24-2004)

Section 21.14 Pedestrian Control Regulations

- (a) Pedestrians crossing ways or roadways.
 - (i) Pedestrians shall obey the direction of police officers directing traffic, and whenever there is an officer directing traffic, a traffic-control signal or a marked crosswalk within three hundred (300) feet of a pedestrian, no such pedestrian shall cross a way or roadway except within the limits of a marked crosswalk, and as hereinafter provided in these regulations. For the purpose of these regulations, a marked crosswalk shall only be construed to be that area of a roadway reserved for pedestrian crossing located between two (2) solid white reflectorized twelve-inch pavement markings in rural areas or markings not less than six (6) inches wide in urban areas, such markings or lines being no less than six (6) feet apart.

(Rev. Ords. 1973, § 15-75)

State law reference-Municipal authority to regulate the use of ways by pedestrians, M.G.L. c. 90, § 18A.

(b) Pedestrian actuation of traffic control signals.

- (i) At a traffic-control signal location where pedestrian indications are provided, but which are shown only upon actuation by means of a pedestrian push button, no pedestrian shall cross a roadway unless or until the pedestrian-control signal push button has been actuated, and then cross only on the proper pedestrian signal indication. At traffic-control signal locations where no pedestrian indication is provided, pedestrians shall cross only on the green indication. If necessary, the green indication shall be actuated by the pedestrian by means of a push button.
- (ii) At a traffic-control signal location, pedestrians shall yield the right-of-way to vehicles of a funeral or other procession or authorized emergency vehicle while in performance of emergency duties regardless of the signal indication given, and they shall not attempt to cross the roadway until such vehicles or procession has passed at which time pedestrians shall then cross the roadway only as provided in these regulations.

(Rev. Ords. 1973, § 15-76)

(c) Obedience to traffic control signals.

- (i) Traffic-control signal color indications and legends shall have the commands ascribed to them in this section and no other meanings, and every pedestrian shall comply therewith, except when otherwise directed by an officer:
 - 1) Red and yellow or the word "Walk." Whenever the red and yellow lenses are illuminated together, or the single word "Walk" is illuminated, pedestrians facing such indication may proceed across the roadway and in the direction of such signal only.
 - 2) Red alone or "Don't Walk." Whenever the words "Don't Walk" or any indication other than red and yellow shown together are illuminated in a traffic-control signal where pedestrian indications are provided, pedestrians approaching or facing such indication shall wait on the sidewalk, edge of roadway or in the pedestrian refuge area of a traffic island and shall not enter upon or cross a roadway until the proper indication is illuminated in the traffic-control signal, but any pedestrian who has partially completed his crossing on the walk indication shall proceed or return to the nearest sidewalk or safety island on the yellow indication, the red indication or when the words "Don't Walk" are illuminated by rapid intermittent flashes.
 - 3) Green alone. At traffic-control signal locations where no pedestrian indication is given or provided, pedestrians facing the signal may proceed across the roadway within any marked crosswalk in the direction of the green indication.

- 4) Yellow alone, red alone or flashing "Don't Walk." Pedestrians approaching or facing a yellow or red indication or a flashing "Don't Walk" illuminated indication shall not start to cross roadway.
- 5) Flashing red, yellow or green At any traffic-control signal location where a flashing red, flashing yellow or flashing green indication is being given facing a crosswalk, pedestrians shall actuate, where provided, the pedestrian signal indication and cross the roadway only on the red-yellow or "Walk" indication when such indication is in operation. If no pedestrian signal is provided, pedestrians shall cross within crosswalks with due care.

(Rev. Ords. 1973, § 15-77)

(d) Pedestrian crossings and use of roadways.

- (i) No pedestrian shall suddenly leave a sidewalk or safety island and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield the right-of-way.
- (ii) Pedestrians shall at all times attempt to cross a roadway using the right half of crosswalks.
- (iii) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway whenever the sidewalk is open to pedestrian use.
 - 1) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway on its unfinished shoulder facing traffic which may approach from the opposite direction.
- (iv) Persons alighting from the roadway side of any vehicle parked at the curb or edge of roadway shall proceed immediately to the sidewalk or edge of roadway adjacent to vehicle, and shall cross the roadway only as authorized by these regulations.
- (v) It shall be unlawful for any person to actuate a pedestrian-control signal or to enter a marked crosswalk, unless a crossing of the roadway is intended.

(Rev. Ords. 1973, § 15-78)

(e) Crossings at nonsignaled locations.

- (i) Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway. At a point where a pedestrian tunnel or overpass has been provided, pedestrians shall cross the roadway only by the proper use of the tunnel or overpass.

(Rev. Ords. 1973, § 15-79)

(f) Operators to exercise due care.

- (i) The provisions of these regulations shall in no way abrogate the provisions of chapter 90, sections 14 and 14A of the General Laws which provide: Precautions for Safety of Other Travelers and for the Protection of Blind Persons Crossing Ways. Furthermore, notwithstanding the provisions of these regulations, every operator of a vehicle shall exercise due care to avoid colliding with any pedestrian upon the roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precautions which may become necessary for safe operation.

(Rev. Ords. 1973, § 15-80)

(g) Soliciting rides or business.

- (i) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the operator or occupant of any vehicle without the written permission of the City Council or officer having control of such roadway or highway.

(Rev. Ords. 1973, § 15-81)

(h) Officers to enforce pedestrian regulations.

- (i) These pedestrian-control regulations shall be enforced by all officers of the city.
- (i) Exemptions.
 - (i) The provisions of these rules and regulations governing the use of ways by pedestrians shall not apply to pedestrians actually engaged in work upon a roadway closed to travel or under construction or repair, to municipal, state, federal or public service corporation employees while in the performance of their duties, to officers engaged in the performance of their public duties or to pedestrians acting in an emergency when such emergency necessitates departure from any part of these rules and regulations.

(Rev. Ords. 1973, § 15-83)

(j) Penalties.

- (i) Any person who violates the provisions of this article which deal with the proper use of ways by pedestrians shall be punished as provided in chapter 90, section 18A of the General Laws. Any person convicted of a violation of any other provisions of these regulations relative to the operation of vehicles shall be punished by a fine not exceeding twenty dollars (\$20.00) for each offense.

(Rev. Ords. 1973, § 15-84)

Section 21.15 Tow-away Zone Regulations

(a) Legislative authority; exempted vehicles.

- (i) In accordance with the provisions of chapter 40, section 22D of the General Laws, as most recently added by chapter 438 of the Acts of 1971, the provisions of which were accepted by the City Council on October 21, 1968, and again on December 13, 1976, there is hereby enacted the following regulations authorizing the removal to a convenient place of vehicles parked or standing in such a manner or in such areas as are herein after described, on any way, under the control of the city. Vehicles specifically exempted by chapter 322 of the Acts of 1961 shall not, however, be subject to such removal.

(Rev. Ords. 1973, § 15-86)

(b) Authorization of police.

- (i) The moving or towing of any vehicle under the provisions of this article shall be by and at the direction of the chief of police, or such other officers of the rank of sergeant or higher, as he may from time to time designate.

(Rev. Ords. 1973, § 15-87)

(c) Fees.

- (i) The City Council hereby imposes upon the owner of any vehicle moved or towed to a convenient place, under the provisions of this article, such fees as are set from time to time by the department of telecommunications and energy.

(Rev. Ords. 1973, § 15-88)

(d) Liability for damage during removal or storage

- (i) The contractor shall be liable to the owner for any damage arising out of negligence caused to a vehicle in the course of removal and storage.

(Rev. Ords. 1973, § 15-89)

(e) General prohibition; towing zones.

- (i) No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park in any of the places listed in this section. Vehicles found in violation of the provisions of this section, except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the police department; and, the owner of a vehicle removed or towed

away shall be liable to the cost of such removal and storage, if any, as set forth in section 14-218 of this article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in chapter 90, section 20A of the General Laws:

- 1) Upon any way in such a manner as to impede the removal or plowing of snow or ice.
- 2) Within an intersection, except in those areas where the installation and erection of parking meters have been approved by the state department of public works.
- 3) Upon any sidewalk.
- 4) Upon any crosswalk.
- 5) Upon any way within twenty (20) feet of an intersecting way, except alleys.
- 6) Upon any way within ten (10) feet of a fire hydrant.
- 7) On the roadway side of any vehicle stopped or parked at the edge or curb of the way.
- 8) In front of a public or private driveway.
- 9) Upon any way where the parking of a vehicle will not leave or clear and unobstructed lane at least ten (10) feet wide for phasing.
- 10) Upon any way within ten (10) feet of a fire station.
- 11) Upon any bridge or viaduct or within a highway tunnel or underpass; provided, signs are erected providing notification of such regulation or restriction.
- 12) Upon any roadway in such a manner as to obstruct the movement of any bus or railroad train.
- 13) At any place where official signs have been placed or erected prohibiting stopping, standing or parking.

(Rev. Ords. 1973, § 15-90)

(f) Parking prohibitions for tow zones.

- (i) No person shall stand or park or allow, permit or suffer any vehicle registered in his name to stand or park on any of the ways described and during the periods of time set forth in this article. Vehicles found in violation of the provisions of this section, except those specifically exempt by law, shall be removed to a convenient place under the direction of an officer of the police department, and

the owner of the vehicle so removed or towed away shall be liable for the cost of such removal and storage, if any, as set forth in section 14-218 of this article. The owner of any vehicle removed or towed away under the provisions of this section shall also be subject to the penalties provided in chapter 90, section 20A of the General Laws.

(Rev. Ords. 1973, § 15-91)

(g) Official traffic signs.

- (i) The provisions of section 14-221 shall be effective only during such time as a sufficient number of official traffic signs bearing the legend "tow-away zone" are installed, erected, maintained and located so as to be visible to approaching drivers, said signs to be appended above or incorporated into the legend of parking prohibition signs.

(Rev. Ords. 1973, § 15-92)

(h) Police to keep record of towed vehicles.

- (i) The police department shall keep a record of all vehicles towed or removed under the provisions of this article. Such record shall be retained for one (1) year and shall contain the following information:
 - 1) The registration of the vehicle;
 - 2) The location from which it was towed, and time and date of tow order;
 - 3) The location to which it was moved;
 - 4) The fee charged for towing;
 - 5) Name of towing contractor, if any;
 - 6) Name and rank of officer who authorized towing.

(Rev. Ords. 1973, § 15-93)

Section 21.16 Storage of Vehicles

(a) Parking, storing, keeping, etc.

- (i) No person shall park, store, keep, leave or allow to be parked, stored, kept or left, any unregistered motor vehicle(s) or registered vehicles not displaying the proper license plate(s) or any registered motor vehicle(s) without a valid windshield inspection sticker as required by M.G.L., Chapter 90, Section 7A, or any disassembled parts thereof, on any land within the city for a period in excess of thirty (30) days. For the purpose of this ordinance, motor vehicles must (1) be

properly registered, and (2) display the proper license plate(s) and (3) must display a valid windshield inspection sticker.

- (ii) No person shall park, store, keep, leave or allow to be parked, stored, kept or left on any lot in any residential district of the city more than one boat, recreational or seasonal vehicle, either alone or in combination, except by permit issued by the City Council, with the approval of the Chief of Police
- (iii) For the purpose of this section a "motor vehicle" shall mean a machine propelled by a power other than human power, designated to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include without limitation: Automobile, truck, motorcycle, trailer, tractor, buggy and wagon.
- (iv) Any person wishing to park, store, keep or leave one (1) such vehicle in excess of thirty (30) days or to park, store, keep, etc. more than one boat, recreational or seasonal vehicle on any lot in any residential district must first apply for and obtain written approval from the City Council, with the approval of the Chief of Police. Such approval shall be on such terms and conditions as the City Council deems to be necessary and appropriate under the particular circumstances, and shall not exceed one (1) calendar year (three hundred sixty-five (365) days); however, upon re-application, the City Council, may reissue such approval for an additional calendar year.
- (v) This section shall not apply to vehicles owned by the Commonwealth, the county or the city; to vehicles within a completely enclosed structure including sidewalls and roof; to vehicles on property operating under a license issued in accordance with the provisions of chapter 140 of the General Laws for use in connection with the motor vehicle business or junk business; or to farm vehicles on property where same are necessary in an agricultural use.
- (vi) This ordinance is for the protection of public health and welfare, and any violation hereof is deemed to be a public nuisance. The prohibitions of this section may be enforced by the city in any Court of competent jurisdiction through an action for injunctive relief. Further, any person violating any provision of this section shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00). Each day such violation continues after a conviction shall constitute a separate offense. Violations of this ordinance shall be administered pursuant to the provisions of Sec. 1-4.1 of the city ordinances and section 21D of chapter 40 of the General Laws.

(Rev. Ords. 1973, § 15-112; Ord. No. 182, 4-18-95; Ord. No. 51, 5-8-2000)

ARTICLE XXII. OFFENSES AND MISCELLANEOUS PROVISIONS

Section 22.01 Abandoned refrigerators.

- (a) No person shall place or cause to be placed on his land or premises, old iceboxes, refrigerators, or other self-locking articles which when seen would inevitably and infallibly allure children to investigate and play in such articles, the natural and probable result of which would be either injury or death to the children.

(Rev. Ords. 1973, § 16-1)

State law reference-Disposal of containers used for refrigerative purposes, M.G.L. c. 271, § 46.

Section 22.02 Advertisements and notices.

- (a) No person shall post up or affix in any manner, paint, print or write, or cause to be painted, printed or written, a notice, advertisement or bill upon a post, pole, fence, wall or building without the consent of the person having possession of such post, pole, fence, wall or building. No person shall injure, destroy, deface or remove any sign or notice of the city, put up, fixed or posted in any place by any officer or employee of the city.

(Rev. Ords. 1973, §16-2)

State law references-Signs, billboards, etc., M.G.L. c. 93, §§ 29 - 33; untrue and misleading advertising, M.G.L. c. 266, § 91.

Section 22.03 Air guns, snowballs, roller skating, etc., in streets.

- (a) No person shall shoot with or use a bow and arrow, sling or air gun, play at ball, throw a stone, snowball or other missile, or roller skate in any street. For the purpose of this section, the term "roller skate" shall include skateboards, scooters or any device so designed as to utilize roller skate parts or wheels in its construction.

(Rev Ords. 1973, § 16-3)

Section 22.04 Ashes, rubbish, etc.

- (a) *Spilling contents of container.* No person shall willfully tip over and spill the contents of any box, barrel or vessel containing ashes or rubbish set upon a sidewalk.
- (b) *Setting upon public ways.* No person shall set upon any public way any box, barrel or vessel used for the purpose of rubbish collection except during the period of time from eighteen (18) hours prior to collection and eighteen (18) hours after collection.
- (c) *Throwing into streets, sewers, etc.* No person shall throw or place, or cause to be thrown or placed, in or upon any street or public place, or into any catch basin of

any sewer or drain in the city any dirt, glass, filth, garbage, shavings, rubbish, refuse or waste matter of any kind.

- (d) No person shall throw, place or dump any rubbish, trash, trees, branches, grass clippings, or other yard materials, construction debris, or any other items on or upon any public ways or property within the City of Beverly. No items, as described above, or other materials may be left outside the closed gates at the Standly Street Dump or other city facilities at any time. Any violation of this Article shall be a fine of not less than two hundred dollars (\$200.00).

(Rev. Ords. 1973, §§ 16-4 - 16-6; Ord. No.224, 8-1-97)

State law reference-State penalty, M.G.L. c. 265, § 32.

Section 22.05 Litter

- (a) Whenever any public area, paved or unpaved, landscaped or unlandscaped adjoins private property on any street, avenue, road, lane, court, square, way, or other similar area no matter how named, it shall be the duty of the lot occupier of such private property, or if such private property shall be unoccupied, the duty of its owner, to keep such public area free of all discarded cans and bottles, litter, debris, paper or other refuse. Failure by such occupier or owner to comply with this section shall in the first instance result in a written warning; in the second instance shall result in a \$100.00 fine; and for any subsequent offense shall result in a \$250.00 fine. Each day of noncompliance with this ordinance shall be a separate offense.
- (b) All Director of Municipal Inspectionss and all health department agents of the City, in addition to police officers, shall be enforcing persons for this section.

(Ord. No. 104, 5-4-2005)

Section 22.06 Obstructing traffic by stopping, loitering or sauntering.

- (a) No person shall behave himself in a rude or disorderly manner, or use any indecent, profane or insulting language in any street, lane, alley or public place in the city, or near any dwelling house or other buildings therein; or in any licensed place of public amusement, or be or remain upon any sidewalk, or upon any doorstep, portico or other projection from any building to the annoyance or disturbance of any person. No person with one (1) or more other persons, shall stand in a group or near such a number of persons, on any sidewalk in such a manner as to obstruct a free passage for foot passengers, for a longer time than ten (10) minutes, nor in the same place, nor on the same sidewalk after a request to move on, made by any police officer. No person shall make any indecent figures, nor write any indecent or obscene words upon any fence, building or other public place within the city.

(Rev. Ords. 1973, § 15-3)

Section 22.07 Auctions.

- (a) Every auction in the city shall be conducted in accordance with the provisions of M.G.L. chapter 100, and amendments thereto, and the provisions of this section.
- (b) No person shall sell, dispose of or offer for sale at public auction between the hours of 12:00 A.M. and 8:00 A.M. any gold, silver, plated ware, precious stones, watches, clocks, jewelry, bric-a-brac, crockery, glassware, art goods or leather goods, or articles or goods represented as such.

(Rev. Ords. 1973, § 16-7)

Section 22.08 Defacing public property.

- (a) No person shall deface, disfigure, defile or deform any property of the city.

(Rev. Ords. 1973, § 16-10)

Section 22.09 Drinking fountains.

- (a) No person shall place in any drinking fountain or basin of water established in any public place any dirt, stone, ashes, rubbish, filth or foreign matter of any kind.

(Rev. Ords. 1973, § 16-12)

Section 22.10 Possession or Consumption of alcoholic beverages in public buildings.

- (a) The possession or consumption of alcoholic beverages is prohibited in all public buildings except
 - (i) In any City building under the supervision of the Beverly Golf and Tennis Commission with the permission of the Beverly Golf and Tennis Commission.
 - (ii) In any City building under the supervision of the Council on Aging with the permission of the Council on Aging.
 - (iii) In the Carriage House at Lynch Park with the permission of the Parks and Recreation Commission.
 - (iv) In any School building under the supervision of the School Committee with the permission of the Superintendent of Schools.
 - (v) Any violation of this section shall result in a fine of \$100.00.

(Ord. No. 43, 4-6-2011; Ord. No. 96, 6-21-2011)

Section 22.11 Barriers required during excavations.

- (a) An owner of land which has been excavated shall erect barriers or take other suitable measures within five (5) days after such owner has been notified in writing by the Mayor and the City Council that in their opinion such excavation constitutes a hazard to public safety.
- (b) Any person who violates this section shall be punished by fine of not more than two hundred dollars (\$200.00) as provided under M.G.L. chapter 40, section 21(19).

(Rev. Ords. 1973, § 16-14)

Section 22.12 Fences.

- (a) *Determination of boundary before erection.* No person shall erect or cause to be erected any fence or building on the line of any street without first ascertaining the bounds thereof from the Director of Public Services.
- (b) *Defacing, etc.* No person shall deface, injure or destroy any fence in the city.

(Rev. Ords. 1973, §§ 16-15, 16-16)

Section 22.13 Firearms.

- (a) No person shall hunt with a firearm, fire, or discharge a rifle, shotgun, or handgun within the limits of the city; but to the extent not otherwise prohibited by law, the provisions of this section shall not apply to the discharge of firearms, rifles, or shotguns:
 - (i) In the lawful defense of the person; or
 - (ii) By any duly authorized law enforcement officer acting in the proper performance of their duty; or
 - (iii) By any duly authorized military personnel participating in military exercises;
 - (iv) By any person using blank cartridges in theatrical performances, sporting events, or dog training; or
 - (v) By a person lawfully on a target, trap, or skeet range established for such purposes; or
 - (vi) By a person legally licensed under M.G.L. chapter 131 to hunt on their own land, or
 - (vii) the land of another, with the written permission of the owner, tenant or person having control of said property, said written permission shall be carried with person hunting at all times, or
 - (viii) By a person hunting migratory game over the tidal waters within the city; or

- (ix) By a person legally licensed under M.G.L. chapter 131 hunting on public land owned or maintained by the city or any subdivision thereof, so long as written permission of the city, or of its subdivision, is granted said written permission shall be carried with the person hunting at all times.
- (b) A rifle or handgun of any caliber as defined by M.G.L. chapter 140, section 121, shall not be discharged or fired at any time for the purpose of hunting within the city.
- (c) Any police officer authorized to serve criminal process may arrest without a warrant, any person found in violation of this section or any person who said officer has probable cause to believe is in violation.
- (d) The penalty for violation of this section shall be a fine of not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days, or both.
- (e) If the written permission identified under paragraph (8) above is granted, the form evidencing the same shall be obtained from the city clerk's office.

(Rev. Ords. 1973, § 16-17; Ord. No. 152, 11-17-92)

State law reference-Weapons, M.G.L c. 269, §§ 10-12D.

Section 22.14 Carrying certain weapons or weapon-like objects.

- (a) No person, except as provided by law, shall carry on his person, or carry on his person or under his control in a vehicle, any weapon or instrument identified in Chapter 269 of the General Laws of Massachusetts, Section 10, paragraph (b) and Section 12; any weapon or object commonly called “nun-chucks” or any substance or material; a shotgun having a barrel less than eighteen (18) inches in length; any saber, sword, or weapon of like or similar nature; any knife having any type of blade in excess of two and one-half (2 1/2 “) inches (except when actually engaged in hunting or fishing or in going directly to and/or returning directly from such activities, or any employment which requires the use of any such type of knife); ice picks, dirks or similar weapons that are likely to penetrate through police officer’s ballistic vests; or any other object or tool so redesigned, fashioned, prepared or treated that the same may be used to inflict bodily harm or injury to another.
- (b) Violation of any provisions of this ordinance shall be subject to arrest and a fine or not more than Three Hundred (\$300.00) Dollars for each offense. Violation of any provisions of this ordinance within a park, playground or on school property, shall be subject to arrest and fine of not more than Three Hundred (\$300.0) Dollars.

(Ord. No. 182; 6-23-2004)

Section 22.15 Gambling.

- (a) *Prohibited in streets.* No person shall expose in any public street or place any table or device of any kind fitted for any game of chance or hazard, and no person shall play at any such table or device or at any unlawful game in any street or way.
- (b) *Prohibited in city buildings.* No gambling shall be allowed in any building, belonging to the city.

(Rev Ords 1973, §§ 16-18, 16-19)

State law references-Gaming as an offense, M.G.L. c. 271. § 1 et seq.: recovering money lost at gaming, M.G.L. c. 137, §§ 1-7.

Section 22.16 Trespass in gardens.

- (a) No person shall enter into or upon any plot of ground in the city which is under cultivation as a garden, unless such person is the owner of the vegetables and plants of such garden or has permission from such owner; provided, however, that if the garden belongs to any person whose only interest in the plot of ground is that of a mere licensee, the owner or lessee of the ground whose consent to plant the garden was necessary shall have the right of access to and from the property at any time.

(Rev. Ords. 1973, § 16-20)

State law reference-Trespass in gardens, M.G.L. c. 266, § 115.

Section 22.17 Open-air fires.

- (a) No person shall kindle or maintain any open air bonfire, rubbish fire or any outdoor fire, or authorize any such fire to be kindled or maintained on any property housing four (4) or more families

(Rev. Ords. 1973, § 16-24)

Section 22.18 Peeping or spying.

- (a) No person shall enter upon premises of another for purposes of committing any wanton or malicious act for the purpose or with intention of invading the privacy of another by peeping into the windows of a house or spying on any person residing therein.
- (b) Nothing contained in this section shall be construed to abridge nor in any way limit the right of a police officer to enter upon private property nor to perform any act necessary in the performance of his official duties.

(Rev. Ords. 1973, § 16-25J)

Section 22.19 Profanity.

- (a) No person shall use indecent, profane or insulting language in any street or public place or building or near any dwelling house or other building to the annoyance or disturbance of any person.

(Rev. Ords. 1973, § 16-26)

Section 22.20 Signs, awnings, etc.

- (a) *(a) Projecting over sidewalks.* No person shall place or maintain any awning or shade, or frame for the same, any sign, signboard, showboard, table, stand, booth or any goods, wares or other articles to as to project into or upon or overhang any street or sidewalk without written permission from the City Council, which may be revoked at any time, unless the same shall be so located and constructed as not to interfere with travelers, and so that the lowest part of any such awning, shade or frame, shall in no case be less than seven (7) feet above the sidewalk, and the lowest part of any sign or signboard not less than nine (9) feet above the sidewalk. No such permit shall be granted or issued unless and until the applicant has filed a bond in the sum of not less than two hundred dollars (\$200.00) with sureties to the satisfaction of the Mayor conditioned to hold the city harmless from all damages occasioned by the existence of any such signs, signboards, showboards, tables, booths, stands, goods, wares or articles in the highways and public places of the city.
- (b) *(b) Injuring or defacing.* No person shall deface, injure or destroy any awning, building, guidepost or signboard in the city.

(Rev. Ords. 1973, §§ 16-27, 16-28)

State law references-Authority of city to regulate projections over streets, M.G.L. c. 40, § 23; authority of city to require permission for awnings and shades, M.G.L. c. 85, § 8; injuring or defacing buildings, M.G.L. c. 266, §§ 96, 104.

Section 22.21 Smoking around docks, warehouses, etc.

- (a) It shall be unlawful to smoke, carry or possess a lighted cigar, cigarette, pipe or match upon a bulkhead, dock, drydock, shipyard, pier, wharf, warehouse or shed, or in and about any airport, its buildings and appurtenances thereto, when signs prohibiting such uses are posted except such portions thereof as may be designated by the dock commissioner or airport manager, or to smoke, carry or possess a lighted cigar, cigarette, pipe or match on board any aircraft, ship, lighter, car-float, scow and all other similar floating craft or equipment whether such be berthed or moored at a dock, wharf or pier, or to a vessel made fast thereto or in a shipyard.

Section 22.22 Motorboat Noise Control

- (a) Every motorboat operated upon the waters of the City of Beverly shall at all times be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise, as more particularly described in this section.
- (b) For the purposes of this section, “muffler” means a sound suppression device or system designated and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise.
- (c) For purposes of this section “SAE J2005” shall refer to the publication of the Society of Automotive Engineers so designated.
- (d) For purposes of this section, “excessive or unusual noise” shall include, but necessarily be limited to the following:
 - (i) for an engine manufactured before January 1, 1993, as demonstrated by documents provided the operator thereof, a noise level of ninety decibels (A) (90dB [A]) when subjected to a stationary sound level test as prescribed by SAE J2005, and
 - (ii) for any engine not demonstrated to have been manufactured prior January 1, 1993, a noise level of eighty-eight decibels (A) (88dB [A]) when subjected to a stationary sound level test as prescribed by SAE J2005, and
 - (iii) total noise of operation for a motorboat underway exceeding seventy-five decibels (A) (75 dB [A]) when subjected to a stationary sound level test from the shoreline or edge of any area through which passage by motorboat is permitted.
- (e) No motorboat shall be operated on the waters of the City of Beverly if such vessel is equipped with an altered muffler or a muffler cutout bypass or other device designed or installed in such a manner that it can be used, either intermittently or continually, to bypass or otherwise reduce or eliminate the effectiveness of any muffler or muffler system installed in such vessel; provided, however, that any use of a cutout permitted under section 6 of chapter 90B of the General Laws shall also be permitted under this section.
- (f) Any officer empowered to enforce the provisions of chapter 90B of the General Laws who has been certified in motorboat noise testing by the department of fisheries, wildlife and environmental law enforcement of the executive office of environmental affairs shall also be authorized to enforce the provisions this section.
- (g) Any authorized officer who has reason to believe that a vessel is being operated or has recently been operated in violation of this section may direct the operator of

such vessel to submit the vessel to an immediate on-site test to measure noise levels, with the authorized officer on board if such officer chooses, and the operator shall comply with such request for a test. If the authorized officer determines that the vessel is in violation of this section, the officer may, in addition to or instead of citing the operator for such violation, direct the operator to take immediate and reasonable measures to correct the such violation, including returning the vessel to its mooring place and keeping the vessel at such mooring place until the condition causing the violation is corrected or ceases.

- (h) Any person who violates subsection (a) or who refuses to comply with the direction of an authorized officer under subsection (g) shall be fined not less than fifty dollars for a first offense, and one hundred dollars for a second offense, and three hundred dollars for any subsequent offense.

(Ord. No. 244, 12-15-2005)

Section 22.23 Swimming or bathing.

- (a) No person shall swim or bathe in the waters within or surrounding the city unless properly clothed.

(Rev. Ords. 1973, § 16-31)

Section 22.24 Placing and/or depositing snow or ice into streets or sidewalks.

- (a) No person shall place or deposit any ice or snow on any street or sidewalk.

(Rev. Ords. 1973, § 16-32; Ord. No. 35, 6-20-94)

Section 22.25 Vehicles on sidewalks.

- (a) No person shall drive, wheel, propel or draw along any sidewalk or footpath any vehicle, except children's carriages or sleds drawn by hand; provided, however, that a driver of a vehicle may drive upon any sidewalk at a permanent or temporary driveway.

(Rev. Ords. 1973, § 16-33)

Section 22.26 Water pollution prohibited.

- (a) No person shall, without permission from the board of health, throw into or deposit in tidewater or in any pond, brook or reservoir, within the limits of the city, any dead animal, garbage, or any refuse matter whatsoever.

(Rev Ords. 1973, § 16-34)

Section 22.27 Vessels passing wharves.

- (a) No vessel shall, in the harbor of the city, pass within one hundred (100) yards of any wharf at a greater speed than at the rate of five (5) miles an hour.

(Rev. Ords. 1973, § 16-35)

Section 22.28 Alcoholic beverages prohibited on public ways, etc.; authorized seizure; exception.

- (a) No person shall drink any alcoholic beverages, as defined in chapter 138, section 1 of the General Laws, or carry or be in possession of any opened bottle or can containing an alcoholic beverage, as defined in chapter 138, section 1 of the General Laws, while in or upon any public way, or any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park or playground, or private land, building, structure or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this section shall be seized and safely held until final adjudication of the charge against the person arrested or summoned before the court, at which time they shall be returned to the person entitled to lawful possession.
- (b) This section shall not apply to any place duly licensed to serve alcoholic beverages as defined in chapter 138, section 1 of the General Laws.

(Rev. Ords. 1973, § 16-37)

Section 22.29 Loitering between 10:00 p.m. and 8:00 a.m. prohibited; arrest; penalty.

- (a) No person shall loiter, or habitually congregate in any street, lane, alley or public place in the city or in any schoolyard, park, playground, beach or the public pier between the hours of 10:00 p.m. and 8:00 a.m. unless the premises have been designated as a place of assembly by the persons in charge of such premises. Any person found loitering or habitually congregating in such an area, after the prescribed time, may be arrested, without warrant, by any officer authorized to serve criminal process.
- (b) (b) Any person found in the act of violating subsection (a) may be arrested without a warrant by any officer authorized to serve criminal process.
- (c) (c) Any person found in the act of violating subsection (a) shall be punished by a fine of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00).

(Rev. Ords. 1973, §16-38; Ord. No. 377, 7-2-90)

Section 22.30 Access to Beverly Golf and Tennis Club property restricted.

- (a) Access to the Beverly Golf Course shall be restricted to players, guests, and authorized persons only. Offenders of this section shall be subject to penalties provided under M.G.L. chapter 1, section 5, and M.G.L. chapter 266.

(Rev. Ords. 1973, §16-40)

Section 22.31 Dogs in cemeteries.

- (a) Dogs are hereby prohibited in all city cemeteries.
- (b) Nighttime limitation on retail sale of food.
 - (i) *Purpose.* The purpose of this ordinance is to protect the nighttime tranquillity of the City of Beverly residents from disturbances due to the late-night operation of retail food stores.
 - (ii) *Restrictions.* No store, place of business or person whose building housing said place of business is within sixty-five (65) feet of a structure used for residential dwelling purposes shall sell any food at retail between the hours of 12:00 A.M. and 5:00 A.M.
 - (iii) *Definitions:* The term "food" as used in this ordinance shall include any article or commodity however stored or packaged, intended for human consumption, and shall include alcoholic beverages to be consumed off the premises at which they are sold, unless any other law or permit or license granted to the seller of such beverages shall otherwise provide.
 - (iv) *Exceptions.* This section shall not apply to the sale of food or alcoholic beverages to be consumed on the premises at which they are sold or to be consumed off the premises on which they are sold when such sale is by a licensed pharmacy or by a licensed common victualer primarily engaged in the sale of food to be consumed on such premises.
 - (v) *Penalty.* Persons found guilty of violating this section shall pay a fine of one hundred dollars (\$100.00). For purposes of this section each separate sale shall be deemed a separate offense. In the event of sale of several items or articles at one (1) time to one (1) customer, only one (1) sale shall be deemed to have taken place.

(Ord. No. 159, §1 - 4, 5-6-91; Ord. No. 255, 12-15-2005)

Section 22.32 Smoking prohibited in municipal buildings and upon public school grounds.

- (a) Restrictions:

- (i) No person shall smoke inside of a municipal building within the City or within 25 feet of an exit way or entry way of any such building, excluding the Beverly Golf and Tennis Club.
- (ii) No person shall smoke upon any public school grounds within the City.
- (b) *Enforcement.* The Director of Municipal Inspections, school principals, the superintendent of schools, department heads, the police chief, the fire chief and their designees shall be authorized to issue citations for violations of these regulations.
- (c) *Fines:* Any person found in violation of this section shall be punished as follows:
 - (i) For a first offense - a fine of \$50.00
 - (ii) For a second offense within twelve months of a prior offense - a fine of \$75.00
 - (iii) For a third or any subsequent offense within twelve months of prior offenses - a fine of \$100.00
- (d) *Definitions:*
 - (i) A Municipal building is any building owned or exclusively occupied by the City of Beverly or any agency thereof. For the purpose of this section Municipal building shall also include that part of a building not owned by the City but exclusively occupied by any City Agency.
 - (ii) School grounds are the interiors of all school buildings and all land appurtenant thereto owned by the City. For the purpose of the section school grounds shall include all athletic fields used by Beverly school athletic teams and shall include the interior of all school buses and City vehicles utilized for the transportation of public school students and athletic teams.

(Ord. No. 68, 4-19-96; Ord. No. 88 6-21-2001)

State law references –Noncriminal disposition of certain violations, M.G.L. c. 40, §21D; student use of tobacco products, M.G.L. c. 71, §2A; smoking in public places, M.G.L. c. 270, §22.

Section 22.33 Motorized Scooter, Motorized Skateboard, or other Similar Motorized Motor Vehicle.

- (a) No person shall operate a motorized scooter, motorized skateboard, or other similar motorized motor vehicle on any public way, sidewalk, playground, or on any property owned by the City of Beverly. The following vehicles shall be exempt from the provisions of this ordinance:

- (i) Vehicles licensed by the Commonwealth of Massachusetts
 - (ii) Vehicles used by handicapped persons
 - (iii) Landscaping Equipment
- (b) Any person violating the provisions of this ordinance shall be subject for a first offense to a fine of \$25.00 and for any second or subsequent offense to a fine of \$50.00.

(Ord. No. 161, 10-6-2003)

Section 22.34 Skateboarding.

- (a) No person shall drive, wheel, propel or ride upon a skateboard within any playground, within 100 feet of any public building or upon any property owned by the City of Beverly except public ways and except within facilities that are specifically designated by the City as skateboard parks.
- (b) Any person violating the provisions of this ordinance shall be subject for a first offense to a fine of \$25 and for any subsequent offense to a fine of \$50. Any skateboard used in violation of this ordinance shall be subject to confiscation and destruction by the Police Department of the City of Beverly.

(Ord. No. 123, 6-20-2007)

Section 22.35 Vehicle Repairs, Testing, and Operation

- (a) No person shall operate, repair, or test any motor vehicle or motorcycle in such a manner as to cause a noise disturbance, i.e. in a manner in violation of G. L. Chapter 272 §53.
- (b) Any person violating the provisions of this ordinance shall be subject for a first offense to a fine of \$100 and for any subsequent offense to a fine of \$150.

(Ord. No. 44, 6-17-09)

Section 22.36 Definition–Sound-Producing Equipment.

- (a) For the purposes the following three sections, sound-producing equipment shall mean any musical instrument, radio, music player, boom box, tape cassette, disc player, television, audio system or any other similar type of device for the creation or reproduction of sound.

(Ord. No. 44, 6-17-09)

Section 22.37 Sound-Producing Equipment; General Prohibitions; Penalties for Violations

- (a) No person shall operate any sound-producing equipment upon any public or private property in the City in a manner or at a volume as to disturb the quiet, comfort, or repose of other persons, i.e. in a manner in violation of G. L. Chapter 272 §53. This section shall apply to all establishments operating with an entertainment license. This section shall not apply to organized events that have received a valid permit from the City for such event.
- (b) Any person violating the provisions of this ordinance shall be subject for a first offense to a fine of \$100, and for any subsequent offense to a fine of \$150.

(Ord. No. 44, 6-17-09)

Section 22.38 Sound-Producing Equipment in Motor Vehicles or Upon Motorcycles

- (a) No person shall operate any sound-producing equipment in a motor vehicle or upon a motorcycle or similar vehicle at such volume as to disturb the quiet, comfort, or repose of other persons, i.e. in a manner in violation of G. L. Chapter 272 §53.
- (b) Any person violating the provisions of this ordinance shall be subject for a first offense to a fine of \$100, and for any subsequent offense to a fine of \$150.

(Ord. No. 44, 6-17-09)

Section 22.39 Loud Parties/Music on Residential Premises

- (a) No person shall play any sound-producing equipment upon residential premises in a manner or at a volume as to disturb the quiet, comfort or repose of neighboring residents, i.e. in a manner in violation of G. L. Chapter 272 §53.
- (b) The landlord or owner of the premises, if not among the offenders, shall receive notice of the offense.
- (c) Any person violating the provisions of this ordinance shall be subject for a first offense to a fine of \$100, for a second offense to a fine of up to \$150, and for any subsequent offense to a mandatory fine of \$200.

(Ord. No. 44, 6-17-09)

Section 22.40 Waterways Regulations

The harbormaster, deputy harbormaster and assistant harbormaster shall, in their capacity, as special police officers of the city, subject to the direction and control of the chief of police, insofar as they are acting as special police officers, enforce the following

waterway ordinances, in addition to any Laws of the Commonwealth and United States federal government pertaining to waterways of the city:

- (a) The speed limit for boats traveling in the area between Foster's Point and the number 8 NUN shall be five (5) miles per hour, and shall be posted as such with a sign indicating "N Wake Area". The fine for violating this section shall be fifty dollars (\$50.00) for each offense.
- (b) All boats in Beverly waters shall properly display current registration numbers or have current documentation on board. The fine for violation of this section shall be fifty dollars (\$50.00) for each offense.
- (c) Boats docked at the Ferryway public landing in excess of the posted time limits shall be subject to a fine of fifteen dollars (\$15.00) for the first offense, thirty dollars (\$30.00) for the second offense, and fifty dollars (\$50.00) for each subsequent offense.
- (d) Willful abandonment of any boat in city waterways or placing a boat on an unauthorized mooring shall be prohibited. The fine for violation of this section shall be fifty dollars (\$50.00) per day.
- (e) Each mooring in city waters shall clearly display the mooring number assigned by the harbor master and shall comply with the rules and regulations of the office of the harbor master. Copies of such rules and regulations shall be provided annually to individuals receiving or renewing their mooring permit. The fine for violation of this section shall be fifty dollars (\$50.00).
- (f) The number of boats tied to a mooring or the rafting of boats on a mooring shall not exceed the number of boats assigned to each mooring by the harbor master. The fine for violating this section shall be twenty-five dollars (\$25.00).
- (g) Sailboarding shall not be permitted west of the number 10 NUN to the Veteran's Memorial Bridge
- (h) Boats shall maintain a distance of three hundred (300) feet from public beaches and shall not be operated in a manner that would endanger themselves or others. The fine for violation of this section is fifty dollars (\$50.00).

(Ord. No. 121, 7-5-2012)

Section 22.41 Glover Wharf Regulations

The police department, as well as the harbor master, deputy harbor master and assistant harbor masters in their capacity as special police officers of the city, subject to the direction and control of the Chief of Police, shall be the enforcement persons of this Ordinance.

The fine for violation of any of the Glover Wharf Regulations shall be Twenty-five

dollars (\$25.00) for each offense except for exceeding the time limit for remaining at the transient dock. Boats docked at the transient dock in excess of the posted time limits shall be subject to a fine of Twenty-five dollars (\$25.00) for the first offense, Fifty dollars (\$50.00) for the second offense, and One hundred dollars (\$100.00) for each subsequent offense.

For the purpose of this section recreational boat slips shall mean those floating docks at the Glover Wharf Marina on the water side of the fence along the concrete platform and east of the recreational boat gate. The “J” area shall mean the area from the recreational boat gate to the end of the transient dock and the “Apron” shall mean the concrete platform and the fence along the length of the concrete platform. The pier shall mean the public pier.

- (1) The following restrictions shall apply to the “J” area:
 - (a) No casting at anytime;
 - (b) No access from 10:00 p.m. to 6:00 a.m. excepting persons currently leasing a recreational boat slip and their guests, dinghy rack holders and transient docked boaters;
 - (c) Trash In/Trash/Out policy applies;
 - (d) Fishing will be allowed in those areas designated by the Harbor Management Authority and in a manner not to impede navigation;
 - (e) Boats may tie up temporarily at the transient dock tie-up for a period of time not to exceed the posted time limit.
- (2) The following restrictions shall apply to the Apron:
 - (a) No casting at anytime;
 - (b) No access from 10:00 p.m. to 6:00 a.m.;
 - (c) Trash In/Trash Out policy applies;
 - (d) Fishing will be allowed in those areas designated by the Harbor Management Authority and in a manner not to impede navigation;
- (3) The following restrictions shall apply to the Pier:
 - (a) No casting at any time;
 - (b) No access from 10:00 p.m. to 6:00 a.m.;
 - (c) Trash In/Trash Out policy applies.
 - (d) Fishing will only be allowed in those areas designated by the

Harbor Management Authority and in a manner not to impede navigation.

- (4) Only persons currently leasing a recreational boat slip and their guests are allowed access to the recreational boat slips.

(Ord. No. 121, 7-5-2012; Ord. No. 185, 10-17-12)

ARTICLE XXIII. ALARM SYSTEMS

Section 23.01 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings described to them in this section, except where the context clearly indicates a different meaning:

- (a) *Alarm system* means an assembly of equipment and devices or a single device such as a solid state unit which plugs directly into a one-hundred-ten volt, sixty-cycle arranged to signal the presence of a hazard requiring urgent attention and to which police or fire persons are expected to respond. The city municipal fire alarm system is specifically excluded from the provisions of this article. (A.C. line)
- (b) *Alarm user* or *user* means any person on whose premises an alarm system is maintained within the city except for alarm systems on motor vehicles or proprietary systems. Excluded from this definition and from the coverage of this article are central station personnel and persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt. If such a system, however, employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of "alarm system," as that term is used in this section, and shall be subject to this article.
- (c) *Automatic dialing device* means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (d) *Central station* means an office to which remote alarm and supervisory signaling devices are connected where operators supervise circuits or where guards are maintained continuously to investigate signals.
- (e) *Communications console* means the instrumentation on an alarm console at the receiving terminal of a signal line which, through both visual and audible signals, indicates activation of an alarm system at a particular location, or which indicates line trouble.

- (f) *Direct connect* means an alarm system which has the capability of transmitting system signals to and receiving them at the police department communication center, and fire department communication center.
- (g) False alarm means:
 - (i) The activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the user of an alarm system or of his employees or agents;
 - (ii) Any signal or oral communication transmitted to the police or fire department requesting, or requiring, or resulting in a response on the part of the police or fire department when in fact there has been no unauthorized intrusion or attempted unauthorized intrusion into a premises and no attempted robbery or burglary or fire at a premises.
 - (iii) Excluded from this definition are activations of alarm systems caused by power outages, hurricanes, tornadoes, earthquakes and similar conditions.
- (h) *Fire chief* means the chief of the fire department of the city or his designated representative.
- (i) *Interconnect* means to connect an alarm system to a voice-grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (j) *Police chief* means the chief of police of the city or his designated representative.
- (k) *Police or police department or fire or fire department* means the city police department or city fire department or any authorized agent thereof.
- (l) *Public nuisance* means anything which annoys, injures or endangers the comfort, repose, health or safety of any considerable number of persons or of any community or neighborhood.

(Rev. Ords. 1973, § 16-39A(1))

(m) Penalties.

- (i) Violations. The following acts and omissions shall constitute violations of this article punishable by fines of up to fifty dollars (\$50.00):
 - 1) Failure to obey an order of the police chief or fire chief to discontinue use of an alarm system, after exhaustion of the right of appeal;

- 2) Failure to disconnect an automatic dialing device from any telephone numbers at the police department or fire department within six (6) months after the effective date of the ordinance from which this article was derived;
- 3) Interconnection of an automatic dialing device to any telephone numbers at the police department or fire department after the effective date of the ordinance from which this article was derived;
- 4) Failure to pay two (2) or more consecutive fines assessed under this article within sixty (60) days from the date of the assessment;
- 5) Failure to comply with the requirements of section 15-52.
- 6) Failure to comply with the requirements of section 15-23.
- 7) Separate offense. Each day during which the aforesaid violations continue shall constitute a separate offense.

(Rev. Ords. 1973, § 1-39A(9); Ord. No.35, 6-20-94)

Section 23.02 Administrative rules.

- (a) The police chief or fire chief may promulgate such rules as may be necessary for the implementation of this article in their respective departments. (Rev. Ords. 1973, § 16-39A(2))

Section 23.03 Automatic dialing devices-Police, fire departments.

- (a) (a) Interconnection specifications Automatic dialing devices may be interconnected only to telex phone numbers at the police department or fire department, as are specifically designated to receive such calls by the police or fire department.
- (b) (b) Interconnection time requirement By December 31,1982, all dialers shall be reprogrammed to interconnect as indicated in subsection (a) above. (Rev. Ords. 1973, § 16-39A(3))

Section 23.04 Same-Intermediary services.

- (a) Direct transmissions. Any person using an automatic dialing device may have the device interconnected to a telephone line transmitting directly to:
 - (i) A central station;
 - (ii) An answering service; or
 - (iii) Any privately owned or privately operated facility or terminal.

(Rev. Ords. 1973, § 16-39A(4))

Section 23.05 Direct connections to police department.

- (a) *Connection to communications console, existing systems.* Alarm systems may be connected to the communications console in the police department. The existing alarm company is to remain until terminated by the chief of police.
- (b) *Bids.* In accordance with the normal bidding practices in effect in the city, the City Council shall have the authority to request bids from alarm companies in order to furnish, at no cost to the city, a communications console and the necessary telephone lines which are compatible to the receipt of alarm signals from alarm systems whose lines are connected to the police department. Each of the bids shall set forth the annual fee each alarm user will be required to pay the alarm company for services rendered with respect to the communications console. Such services shall be set forth in the form of a written contract between the alarm company and each alarm user. The provisions of this subsection (b) relate solely to the aforementioned communications console, connections to the console by alarm users, and fees and charges related to the installation and maintenance of the console. Any alarm user may contract with any alarm company of his choice for the sale, installation, maintenance, and for servicing of the alarm system to be installed on his premises.
- (c) *Responsibilities of alarm user or alarm business contracting for servicing alarm system.* The alarm user, of the alarm business contracting for servicing the alarm user's alarm system, shall be responsible for obtaining the leased telephone line between the alarm user's premises and the alarm receiving equipment at the police department and for furnishing the appropriate interface equipment, if required, in order to provide an input signal which is compatible with the receiving equipment used to operate the communications console.
- (d) *False alarm regulations applicable to users having direct connection systems; exceptions.* The provisions of section 30.08 concerning false alarms shall apply to all alarm users or persons having direct connection systems, except municipal, county or state agencies and religious organizations.

(Rev. Ords. 1973, § 16-39A(5))

Section 23.06 Control, curtailment of emitted signals.

- (a) *Submission of names of persons authorized to respond to alarm.* Every alarm user shall submit to the police chief or fire chief the names and telephone numbers of at least two (2) other persons who can be reached at any time, day or night, and who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.
- (b) *Test device.* All alarm systems directly connected to the police department may be equipped with a test device which will give a ten-second delay or longer prior to alarm system activation in order to warn the alarm user of an open alarm circuit.

- (c) *Automatic shut-off devices.* All alarm systems installed after July 1, 1981, which use an audible horn or bell or siren-sounding alarm shall be equipped with a device that will shut off such audible sound within twenty (20) minutes or less after activation of the alarm system.
- (d) *Continuous signals constitute a nuisance.* Any alarm system emitting a continuous and uninterrupted signal for more than thirty (30) minutes between 7:00 p.m. and 6:00 a.m. which cannot be shut off or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under subsection (a) of this section and which disturbs the peace, comfort, or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the police chief shall endeavor to contact the alarm user, or those persons designated by the alarm user under subsection (a) of this section in an effort to abate the nuisance. The police chief shall cause to be recorded the names and addresses of all complainants and the time each complaint was made. In the event that the police chief is unable to contact the alarm user or those persons designated by the alarm user under subsection (a) of this section, or if the aforesaid persons cannot or will not curtail the audible signal emitted by the alarm system, and if the police chief is otherwise unable to abate the nuisance, he may direct a police officer or a firefighter or a qualified alarm technician to enter upon the property outside the home or building in which the alarm system is located and take any reasonable action necessary to abate the nuisance. If the entry upon property outside the home or building in which the alarm system is located is made in accordance with this section, the person so entering upon such property shall:
 - (i) Not conduct, engage in or undertake any search, seizure, inspection or investigation while he is upon the property;
 - (ii) Not cause any unnecessary damage to the alarm system or to any part of the home or building;
 - (iii) Leave the property immediately after the audible signal has ceased.
- (e) After an entry upon property has been made in accordance with this section, the police chief shall have the property secured, if necessary, the reasonable costs and expenses of abating a nuisance in accordance with this article may be assessed to the alarm user, such assessment not to exceed fifty dollars (\$50.00).

(Rev. Ords. 1973, § 16-39A(6))

Section 23.07 Testing of equipment.

- (a) No alarm system designed to transmit emergency messages directly to the police or fire department shall be worked on, tested or demonstrated without obtaining permission from the police chief or fire chief. Permission is not required to test or

demonstrate alarm devices not transmitting emergency messages directly to the police department or fire department. An unauthorized test constitutes a false alarm.

(Rev. Ords. 1973, § 16-39A(7))

Section 23.08 False alarms.

- (a) *Actions of police chief generally.* When emergency messages are received by the police or fire department that evidence false alarms, the police chief or fire chief shall take action as may be appropriate under subsections (b), (c), (d) and (e) of this section, and, when so required by the terms of such subsections, order that use of an alarm system be discontinued.
- (b) *Report.* After the police or fire department has recorded three (3) separate false alarms within the calendar year from an alarm system, the police chief or fire chief shall notify the alarm user, in writing, in person or by mail, of such fact and require the alarm user to submit, within fifteen (15) days after receipt of such notice, a report describing efforts to discover and eliminate the cause of the false alarms. If the user, on the basis of absence from the city, or on any other reasonable basis, requests an extension of time for filing the report, the police chief may extend the fifteen-day period for a reasonable time. If the user fails to submit such a report within the times specified, the police chief or fire chief shall order that use of the alarm system be discontinued. Any such discontinuances shall be effectuated within fifteen (15) days from the date of receipt of the police chief's or fire chief's order.
- (c) *Discontinuance of system for unsatisfactory report.* In the event that the police chief or fire chief determines that a report submitted in accordance with subsection (b) of this section is unsatisfactory, or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate or reduce false alarms, then the police chief or fire chief shall order that use of the alarm system be discontinued. Any such discontinuance shall be effectuated within fifteen (15) days from the date of the police chief's or fire chief's order.
- (d) *Discontinuance of system for certain number of false alarms within a year.* If the police or fire department records five (5) false alarms within the calendar year from an alarm system, the police chief or fire chief may order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm system was disconnected. In the event that the police department or fire department records eight (8) false alarms within the calendar year from an alarm system, the police chief or fire chief shall order that the user of the alarm system discontinue use of the alarm system for the calendar year, but for not less than six (6) months from the date the alarm was disconnected.

- (e) *Fines.* Any user of an alarm system which transmits false alarms shall be assessed a fine of twenty-five dollars (\$25.00) for each false alarm in excess of three (3) occurring within the calendar year. All fines assessed, however, shall be paid to the city collector-treasurer for deposit in the general fund. Upon failure of the user of an alarm system to pay two (2) consecutive fines assessed hereunder within thirty (30) days of assessment, the police chief or fire chief shall order that the user discontinue use of the alarm system. Any such discontinuance shall be effectuated within fifteen (15) days from the date of receipt of the police chief's or fire chief's order.

(Rev. Ords. 1973, §16-39A(8))

Section 23.09 Identification of connected premises.

- (a) Houses or businesses connected to a police or fire alarm system must be conspicuously numbered.

(Rev. Ords. 1973, §16-39A(10))

ARTICLE XXIV. CHILD SAFETY ZONES

Section 24.01 Definitions.

- (a) For the purpose of this Article the following terms, phrases, words and derivations shall have the meaning given herein. When not inconsistent with the context, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.
- (b) *Child safety zone* means: A park, playground, recreation center, library, school, day care center, private youth center, video arcade, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility, including the parking area and land adjacent to any of the aforementioned facilities, camp bus stops when children under the age of 18 are present, and school bus stops during scheduled school transportation hours on school days, which is:
 - (i) Under the jurisdiction of any department, agency, or authority of the City of Beverly, including but not limited to the School Department of the City of Beverly; or
 - (ii) Leased or licensed by the City of Beverly to another person for the purpose of operating a park, playground, recreation center, bathing beach, swimming pool or wading pool, gymnasium, sports field, or sports facility.
- (c) *Child sex offender* means:
 - (i) Any person required to register as a sex offender pursuant to M.G.L.A. c. 6, §§ 178C to 178P, inclusive and given a level 2 or level 3 designation by the Sex

Offender Registry Board and whose victim was a child under the age of sixteen (16) or who has not yet been classified and who resides, has secondary addresses, works or attends an institution of higher learning in the Commonwealth and who has been convicted of or who has been adjudicated as a youthful offender or as a delinquent juvenile, or a person released from incarceration or parole or probation supervision or custody with the Department of Youth Services for such a conviction or adjudication of the following offenses: indecent assault and battery on a child under fourteen (14) under M.G.L.A. c. 265, § 13B; rape of a child under sixteen (16) with force under § 22A of said chapter 265; rape and abuse of a child under § 23 of said chapter 265; assault of a child with intent to commit rape under § 24B of said chapter 265; kidnapping of a child under the age of sixteen (16) under § 26 of said chapter 265; enticing a child under the age of sixteen (16) for the purposes of committing a crime under § 26C of said chapter 265; indecent assault and battery on a mentally retarded person under § 13F of said chapter 265; assault with intent to commit rape under § 24 of said chapter 265; inducing a minor into prostitution under M.G.L.A., c. 272, § 4A; living off or sharing earnings of a minor prostitute under § 4B of said chapter 272; disseminating to a minor matter harmful to a minor under § 28 of said chapter 272; posing or exhibiting a child in a state of nudity under § 29A of said chapter 272; dissemination of visual material of a child in a state of nudity or sexual conduct under § 29B of said chapter 272; unnatural and lascivious acts with a child under sixteen (16) under § 35A of said chapter 272; drugging persons for sexual intercourse under § 3 of said chapter 272; aggravated rape under M.G.L.A., c. 277, § 39; and any attempt to commit a violation of any of the aforementioned sections pursuant to M.G.L.A. c. 274, § 6 or a like violation of the laws of another state, the United States or a military, territorial or Indian tribal authority, and whose victim was a child under the age of sixteen (16).

- (ii) A person who has been adjudicated a sexually dangerous person under M.G.L.A. c. 123A, § 14, as in force at the time of adjudication, or a person released from civil commitment pursuant to M.G.L.A., c. 123A, § 9, and whose victim was a child under the age of sixteen (16).
- (iii) A person who resides in the Commonwealth of Massachusetts, has a secondary address, works at or attends an institution of higher learning in the Commonwealth and has been convicted in any other state, in a federal or military court or in any foreign jurisdiction of any crime the essential elements of which are substantially the same as any of the crimes specified in above at paragraph 1., and which requires registration as a sexual offender in such other state or in the federal or military system, and who resides or works in this Commonwealth and whose victim was a child under the age of sixteen (16).

Section 24.02 Prohibitions and Exceptions.

- (a) *Prohibition.* It shall be unlawful for a child sex offender to be present in any child safety zone.

- (b) *Exceptions.* The provisions of this Article shall not apply to:
- (i) Any person whose name has been removed from the Massachusetts Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by expiration of the term such person is required to remain on such registry or reclassified as a level 1 in Massachusetts or lowest offender category in another jurisdiction.
 - (ii) The facility in a child safety zone also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:
 - 1) The child sex offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
 - 2) The child sex offender shall not participate in any religious education programs that include individuals under the age of eighteen (18).
 - (iii) The property also supports a use lawfully attended by a child sex offender's natural or adopted child(ren), which child's use reasonably requires the attendance of the child sex offender as the child's parent upon the property, subject to the following condition:
 - 1) The child sex offender's entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public.
 - (iv) The property also supports a polling location in a local, state or federal election, subject to all of the following conditions:
 - 1) The child sex offender is eligible to vote;
 - 2) The property is the designated polling place for the child sex offender; and
 - 3) The child sex offender enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.
 - (v) The property also supports a school lawfully attended by a child sex offender as a student under which circumstances the child sex offender may enter upon the property supporting the school at which time the child sex offender is enrolled, for such purposes and at such times as are reasonably required for the educational purposes of the school.
 - (vi) The property also supports a court, government office or room for public governmental meetings, subject to all of the following conditions:

- 1) The child sex offender is on the property only to transact business at the government office or place of business, excluding a library, or attend an official meeting of a governmental body; and
- 2) The child sex offender leaves the property immediately upon completion of the business or meeting.

Section 24.03 Notice.

- (a) The chief of police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this Article (which notice shall contain a copy of this Article) to all persons who are listed on the sex offender registry as of the effective date of this section and who were given a level 2 or level 3 designation, as well as those persons who are added to the sex offender registry at such levels thereafter, which persons' addresses (as shown on the sex offender registry) are within the City of Beverly. Such notice requirement may be satisfied by the mailing of such notice by registered or certified mail, return receipt requested to the last known address of such person as listed on the sex offender registry or as otherwise known to the chief of police. The failure of any person to receive such actual written notice shall not be a defense to a violation of this section.

Section 24.04 Enforcement procedures.

- (a) Upon reasonable belief of a police officer that a child sex offender is present in a child safety zone in violation of this section, the officer shall obtain from the suspected child sex offender his/her name, address, and telephone number. Should the police officer thereafter establish that the individual is a child sex offender as defined in this section, then the officer shall issue a written citation that such individual is in violation of this section and also require that the individual leave the child safety zone. An individual, who refuses to leave or is later found to be in the same child safety zone, shall be subject to the penalties set forth in the following section.
- (b) A map depicting and a written list describing the child safety zones shall be created by the Planning and Engineering Departments of the City and maintained by the Police Department, which map shall be reviewed annually for changes. Said map and list as well as a copy of this section shall be available to the public at the offices of the Beverly Police Department and Beverly City Clerk and at all public buildings and will also be posted on the City of Beverly's official website. In the event that the list, map or the words of this Article shall conflict then the words of this Article shall control.

Section 24.05 Penalties and remedies.

- (a) Any violation of this Article may be subject to criminal penalties and prosecuted in a court of competent jurisdiction and shall result in a criminal fine of up to one

hundred fifty dollars (\$150.00) for a first violation. Refusal to leave a child safety zone or being later found in the same child safety zone shall result in a criminal fine of up to three hundred dollars (\$300.00). A second or any subsequent violation of this Article shall be subject to a criminal fine of up to three hundred dollars (\$300.00). A child sex offender commits a separate offense for each and every violation of this section. Except for persons who are not yet seventeen (17) years of age when they commit any such offense, violation of this section may further constitute a violation of M.G.L.A. c. 272, § 59, for which the violator is also subject to immediate arrest without warrant. The issuance of a citation shall not preclude the City from seeking or obtaining any or all other legal and equitable remedies to prevent or address a violation of this section, to include written notification to the parole and/or probation officer and the Commonwealth's Sex Offender Registry Board that the child sex offender has violated a municipal ordinance.

- (b) As an alternative, any violation shall result in a non-criminal fine of one hundred fifty dollars (\$150.00) for a first violation. Refusal to leave a child safety zone or being later found in the same child safety zone shall result in a non-criminal fine of three hundred dollars (\$300.00). A second or subsequent violation of this Article shall be subject to a non-criminal fine of three hundred dollars (\$300.00). A child sex offender commits a separate offense for each and every violation of this section. Except for persons who are not yet seventeen (17) years of age when they commit any such offense, any violation of this section may further constitute a violation of M.G.L.A. c. 272, § 59, for which the violator is also subject to immediate arrest without warrant. The issuance of a citation shall not preclude the City from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section, to include written notification to the parole and/or probation officer and the Commonwealth's Sex Offender Registry Board that the child sex offender has violated a municipal ordinance.
- (c) *Injunction.* If a child sex offender is present upon or within a safety zone in violation of this Article, the City Solicitor may bring an action in the name of the City to enjoin future violations of this Article by such violator.

(Ord. No. 226, 01-20-2011)

ARTICLE XXV. PARKS AND RECREATION

Section 25.01 City hall park; trespass, injury, damage.

- (a) No person shall loiter or congregate in city hall park (the area located to the right of the city hall, Cabot Street, Beverly) between the hours of 10:00 p.m. and 7:00 a.m.
- (b) No person shall enter into or upon the city hall park and take away, mutilate, or destroy a tree, shrub, flower, or other vegetation therein.

- (c) Any person who violates any provision of this section shall be punished by a fine of twenty-five dollars (\$25.00) for the first offense and one hundred dollars (\$100.00) for each additional offense.

(Rev. Ords. 1973, §16-41)

Section 25.02 Federal Street Grounds.

- (a) The plot of land now known as the Federal Street Grounds is hereby accepted by the city for all playground activities, and is to be the official Ward 3 grounds.

(Rev. Ords. 1973, §17-8)

Section 25.03 Park regulations.

- (a) The Beverly Parks and Recreation Commission is the agency responsible for the operation of all public parks in the city. As such, the commission offers everyone free use of all grounds within its jurisdiction with the exception of Lynch Park and Obear Park which are for the free use of Beverly residents and their guests. Exception to this to be defined in the accepted rate schedule as approved by the commission. Admittance of vehicles to Lynch Park and Obear Park require the display of proper sticker indicating Beverly residency or payment of current parking fee.
- (b) Any violation of above shall constitute trespassing. Parks will be open from 8 a.m. to 8 p.m., October 1 to March 31, and from 8 a.m. to 10 p.m., April to September 30.
- (c) Violation of these rules constitutes a noncriminal violation punishable by a fine not exceeding one hundred dollars (\$100.00) (section 1-5 general penalty).
 - (i) The rules are as follows:
 - 1) Speed limit for any vehicle is ten (10) m.p.h.
 - 2) Use or possession of alcohol is prohibited.
 - 3) Operation of any vehicle on other than paved surfaces is punishable by one hundred dollars (\$100.00) fine plus damages.
 - 4) Defacing, destroying or removal of seats, shrubbery, flowers or any other piece of park equipment will be subject to prosecution.
 - 5) Any ceremony inside the park must be licensed by the commission or its agent.
 - 6) Soliciting, vending or advertising is prohibited except with commission permission.

- 7) Dumping of waste materials or litter on the grounds is prohibited.
 - 8) Throwing or batting of balls and acceptable missiles is banned except in properly designated areas. No golf is allowed.
 - 9) Proper behavior and speech is expected of all persons using these premises.
 - 10) Building or use of any edifice, structure or tent on city property is forbidden.
 - 11) No external speakers shall be used without the permission of the commission. Acceptable level must be maintained.
 - 12) Any physical additions, plantings or changes to any park or playground must be with the permission of the commission.
- (ii) Anyone violating any of the above rules and regulations shall be subject to immediate expulsion from the park.

(Ord. No. 173, 4-16-91; ORD. No. 40, 5-7-2003; Ord. No. 173, 6-4-2003)

Editor's note-Ord. No. 173, adopted April 16, 1991, did not specifically amend the Code; hence, its inclusion as § 16-3 was at the discretion of the editor.

ARTICLE XXVI. PERSONNEL

State law references-Civil service regulations, M.G.L. c. 31; authority to prescribe holidays, M.G.L. e. 40, § 21A; authority to prescribe vacations, M.G.L. c. 40, § 21A; municipal authority to consolidate personnel regulations, M.G.L. c. 41, § 108C; salary provisions in budget, M.G.L. c. 44, § 33a; classification and compensation plans for municipal employees, M.G.L. e. 31, § 5(b), e. 41, § 108A; municipal authority to regulate working conditions of its employees, M.G.L. e. 40, § 21A; collective bargaining, M.G.L. e. 150E.

Section 26.01 Failure to qualify after notice of election or appointment.

- (a) The failure of any officer of the city to qualify within thirty (30) days from the service of the notice of his election or appointment shall be deemed to be a refusal to accept the office; and, thereupon the vacancy shall be filled without delay.

(Rev. Ords. 1973, § 20-1)

Section 26.02 Preemployment physical examination.

- (a) It is required that any person seeking full-time employment from the city shall take a preemployment physical examination. Such examination shall be under the direction of a physician designated by the City's Director of Human Resources.

(Rev. Ords. 1973, § 20-1A)

Section 26.03 Reinstatement of employees upon discharge from armed service.

- (a) All city employees who enter the armed service of the United States shall be returned to the same or a similar position to that which they held at the time of their enlistment or induction, upon and after honorable discharge from the armed service. Continuity of service shall not be broken by service in the armed forces.

(Rev. Ords. 1973, § 20-2)

Section 26.04 Vacations.

- (a) All full-time city employees, not otherwise covered by bargaining unit or individual employment contract will have the following vacation scheduled:
 - (i) For more than thirty (30) weeks of service, but less than five (5) years, the employee shall receive ten (10) days of vacation;
 - (ii) For more than five (5) years of service but less than ten (10) years, the employee shall receive fifteen (15) days of vacation;
 - (iii) For more than ten (10) years of service but less than twenty (20) years, the employee shall receive twenty (20) days of vacation;
 - (iv) After twenty (20) years of service, the employee shall receive twenty-five (25) days of vacation.
 - (v) For employees defined as City Officers in Section 17-53, service time shall be cumulative but not consecutive. (Ord. No. 289, 12-29-2005)
- (b) On a seniority basis, employees shall receive two (2) weeks of vacation by choice; beyond this, vacations shall be by mutual consent of the parties.
- (c) Should a holiday fall within an employee's vacation, he shall receive an additional day of vacation.
- (d) Upon termination of employment, the employee shall receive payment equal to the amount of vacation pay he would have received had the termination not occurred. If the termination is caused by death, such payment shall be made to the employee's spouse or next of kin. Such payment will not be made for termination of employment, other than by death, in January of any year immediately following a year in which there was a municipal Mayoral election. (Ord. No. 289, 12-29-2005)
- (e) No employee shall be called back to work while on vacation.
- (f) Employees shall be allowed to carry over up to ten (10) vacation days, from one (1) year to the next; provided, however, that they may only carry these days

forward for one (1) year, and they must be used in the year following that which they are carried over from.

(Rev. Ords. 1973, § 20-3; Ord. No. 289, 12-29-2005) State law reference-Municipal authority to prescribe vacations, M.G.L. c. 40, § 21A.

Section 26.05 Mileage.

- (a) A municipal employee may be reimbursed for the use of his personal vehicle on city business at the rate of twenty cents (\$0.20) per mile. The documentation necessary to receive the reimbursement will be determined by the finance director-auditor.

(Ord. No. 273, § 1, 6-15-87)

Section 26.06 Payment of fees, charges or commissions.

- (a) Pursuant to M.G.L. chapter 41, section 108, all fees, charges or commissions allowed by law to any officer of the city shall be paid into the city treasury and belong to the city and the city shall pay any such officer such compensation as the City Council shall determine.

(Ord. No. 50, 6-20-88)

ARTICLE XXVII. CLASSIFICATION AND PAY PLAN

Section 27.01 Effect of adoption of article.

- (a) The adoption of this article shall neither reduce the salary or wage of any officer or employee of the city, nor shall anything relating to city officials or employees be construed in such manner as to be in conflict with the civil service rules or collective bargaining agreements. Any officer or employee who would have otherwise been entitled to higher pay by subsequent step increments under a prior pay ordinance than he is entitled to under this article shall receive the greater pay.

(Rev. Ords. 1973, § 20-5)

Section 27.02 Defined

- (i) "Sick leave" shall mean that period of time for which a permanent full-time employee, other than an employee of the school department, is entitled to receive compensation while unable to perform his duties because of sickness or injury not arising out of and in the course of his employment by the city.

(Rev. Ords. 1973, § 20-11)

Section 27.03 Number of sick leave days allowed per year; how credit computed; accumulation.

- (a) Compensation for sickness or other disability shall be limited to two (2) days for each month of service in the proceeding twelve (12) months, but not more than twenty (20) days in any twelve month period. Holidays and any other days not included in the normal workweek shall not be included in the computation of days allowed hereunder.
- (b) Sick leave credit will begin the first day of the month in which the employee is employed, but thereafter benefits hereunder shall be based upon continuous service since the date of original employment. If such service has not been continuous, such benefits shall be based upon continuous service since the last hiring date after the expiration of such twelve (12) months of service or employment.
- (c) Any sick leave allowed under this section may be accumulated, but such accumulation shall not exceed two hundred (200) days at any time.
- (d) Upon retirement, employees will be paid fifty (50) percent of the accrued sick days accrued as severance pay. If termination is by demise, fifty (50) percent of the accrued sick leave shall be paid to the spouse, next of kin, to the employee's estate, or to the employee's legally designated beneficiary.
- (e) Each employee's sick leave credits shall be posted annually by January fifteenth of each calendar year.
- (f) For purposes of this section, a day's pay shall be computed as one-fifth of an employee's base pay per week, in grade.
- (g) If a conflict exists between any current collective bargaining agreement and this section the provisions of the collective bargaining agreement will apply.
- (h) Notwithstanding paragraph (d), any department head of the city who is initially appointed or hired or after January 1, 1989, shall not be eligible to receive or be paid accrued sick days as provided under paragraph d), nor will their spouse, next of kin, estate, or legally designated beneficiary be eligible for such severance pay.

(Rev. Ords. 1973, § 20-12; Ord. No. 659, 12-19-88)

- (i) Conditions under which sick leave days shall not be granted.
 - (i) No person shall be entitled to any compensation or benefits under this article for any period of disability resulting in whole or in part from:
 - (ii) The voluntary use of intoxicating liquor, drugs or narcotics;
 - (iii) Self-inflicted injuries, other than accidental;
 - (iv) Injuries sustained while engaged in, resulting from or arising out of the commission by him of a felony, or of a misdemeanor involving moral turpitude;

- (v) Injuries sustained while engaged in, resulting from or arising out of the violation of any lawful rule or regulation of the department in which employed, or of the city or of the Commonwealth;
- (vi) Injuries sustained as a result of reckless, improper or vicious conduct or illegal or immoral practices;
- (vii) Injuries or sickness arising while dually employed by the city and some other person or concern, unless ordered to or authorized by the head of the department.

(Rev. Ords. 1973, § 20-13)

Section 27.04 Notice of illness.

- (a) Every employee, to be entitled to leave without loss of pay, shall notify his department head of his absence and the cause thereof before the expiration of the first hour of absence, or as soon thereafter as practicable. (Rev. Ords. 1973, § 20-14)
- (b) When physician's certificate or written statement may be required; availability for examination.
- (c) For periods of absence for five (5) consecutive working days or more the appointing authority or someone designated by him may require evidence in the form of a physician's certificate for the necessity of such absence, or, if the cause of the absence is such as not to require the services of a physician, a written statement, signed by the employee, setting forth the reason to the absence. Where such certificate or statement is requested, the employee shall not be entitled to pay for his absence until such certificate or statement is filed. All city employees on sick leave shall be available at all times for examination by the city physician and at the request of the department head or the Mayor. Any employee not complying with the aforesaid shall be deemed ineligible for any further benefits.

(Rev. Ords. 1973, § 20-15)

- (d) Fraudulently taking sick leave.
 - (i) Any person who feigns sickness, injury or disability or who makes a false statement relative thereto shall be subject to immediate suspension, and, in any event, shall not be entitled to the benefits of this article for a period of one (1) year after such finding.

(Rev. Ords. 1973, § 20-16)

Section 27.05 Confidential Employees.

- (a) All employees with a confidential employee status, who due to that status are excluded from all labor unions pursuant to M.G.L. chapter 150E, section 3, shall receive the same cost of living raises negotiated by the union of which they would be entitled to be a member if not for their confidential employee status. Nothing in this section shall preclude said confidential employees from receiving merit raises as may be recommended by their supervisor and the Mayor and appropriated by the City Council from time to time. Said confidential employees shall be entitled to the same employee benefits enjoyed by all other employees under their union contracts, including but not limited to vacation pay, sick leave benefits, personal and funeral leave, longevity, health and welfare benefits, on the job injury and educational benefits.

(Ord. No. 186, 5-20-96)

ARTICLE XXVIII. PUBLIC SERVICES

Section 28.01 Recycling certain rubbish materials.

- (a) So long as the city collects or pays a contractor to collect rubbish in the city, no rubbish shall be collected by the city or by such a contractor from any residence, commercial establishment, municipal building, school or any other location unless such rubbish material is first sorted and placed for collection in separate containers according to such categories as the Director of Public Services shall determine is necessary to enable those rubbish materials which are recyclable under the then current state of technology, as such technology may from time to time change, to be recycled for reclamation without further sorting and separation of such rubbish materials.
- (b) Rubbish materials so sorted and separated for recycling shall, following their collection, be recycled for reclamation.
- (c) For purposes of this section, the terms "rubbish" and "rubbish materials" shall be deemed as all non-putrescible solid wastes (excluding ashes) consisting of both combustible and noncombustible wastes, such as but not limited to paper, newsprint, cardboard, glass, metal, wood and rags.
- (d) The Director of Public Services may from time to time make, amend and rescind such rules and regulations as are necessary to carry out the provisions of this section.
- (e) The Director of Engineering may, subject to the approval of the Mayor and the City Council, establish such fees as the Director deems necessary to implement the provisions of this section.

(Rev. Ords. 1973, § 24-16; Ord. No. 332, 11-6-02)

Section 28.02 Trash Removal and Disposal Service Fee.

- (a) **Residential:** A trash fee of \$100.00 per dwelling unit is hereby-established effective 1, July 2012, on all residential structures of 6 units or less. Residential structures of more than 6 units currently serviced by the City of Beverly will continue to be serviced at \$100.00 per unit.
- (b) **Commercial:** A minimum fee of \$300.00 is hereby established for all commercial entities currently being serviced by the City of Beverly. The final fee and conditions shall be subject to the determination of the Director of Engineering, who shall establish a written standard therefore.
- (c) **Discounts and Waivers:** [Based on Boston-Cambridge-Quincy, MA-NH HUD Metro FMR Area, FY2011 Income Limits Documentation]
 - (i) **Senior Citizen:** Any Senior Citizen (65 years or older) who owns and occupies a single dwelling unit with an income of \$33,750.00 or less for a single adult; \$38,550.00 or less for two or more adults will be eligible for a fifty percent (50%) discount of this fee.
 - (ii) **Hardship Cases:** The fee for any citizen who owns and occupies a single family home or condominium with an income of \$20,250.00 or less for a single adult; \$23,150.00 or less for two or more adults, will be waived.
 - (iii) **Eligibility:** Eligibility for senior citizen discount or hardship waiver shall be determined by using the Adjusted Gross Income (AGI) number found on the IRS 1040, 1040A, or 1040EZ Form, or, if no income tax return has been filed for tax years 2010 or 2011, equivalent documentation of income, to be provided to the City Engineer under the pains and penalties of perjury. Age shall be documented by driver's license, birth certificate, or equivalent proof. Any resident with a "life estate" interest in a residential property will be treated as if he and/or she were the record owners of the property. In one, two or three family housing types where the tenant and the homeowner both meet the eligibility requirements for the waiver or both meet the eligibility requirements for the discount, such waiver or discount shall be granted to the homeowner.
 - (iv) **Vacancies:** Any property owner who owns an unoccupied unit shall be eligible to receive a credit for each full six-month period for which the unit is not occupied. Property owners must provide documentation to the City Engineer signed under the pains and penalties of perjury demonstrating that the unit was vacant during the entire six month billing period for which such credit is requested. Eligibility shall be determined by the City Engineer using a water bill, or in cases where a unit's water meter is not separate from another unit, a letter or billing statement from the Electric Company.
 - (v) **(e) Penalty:** The City Engineer shall assess applicants a fine of not more than \$250.00 for submitting false documentation.
- (d) **Enforcement:** Any fee not paid within 60 days of the demand shall become, upon application of the Collector of the City of Beverly, a lien upon the property.

- (e) Billing: The annual fee will be collected in quarterly statements billed on the same cycle as the subject property's water and sewer bill cycle.
- (f) This fee shall not be increased for any reason other than to offset an increase in the incineration cost per ton ("tipping fee") or an increase in the contractual trash removal cost, and in such cases, the trash fee may not be increased beyond an amount equal to the increases in these costs.
- (g) Exemption: Any person who can demonstrate and document to the satisfaction of the City Engineer an alternative lawful disposal method may apply for an exemption from the fee.
- (h) Review: This ordinance is subject to a review on 1, March 2013 by the City Council whether or not to continue through FY 2014. The Council will review City collections, overall effectiveness and the recommendations put forth by the Mayor's appointed Trash Committee. As with any City ordinance, the Council has the power to either change or delete an ordinance by a simple majority vote.
- (i) Sunset Clause: This Order expires on 1 July, 2013.

(Ord. No. 184; 7-1-2004; Ord. No. 134, 7-8-2005; Ord. No. 84, 7-10-2006; Ord. No. 139A, 7-5-2007; Ord. No. 155, 7-29-2008; Ord. 17; 6-4-2009; Ord. No. 101, 6-23-2010; Ord. 50, 5-17-2011; Ord. 69, 6-6-2012)

Section 28.03 Same-Unaccepted streets.

- (a) Pursuant to Massachusetts General Laws Chapter 40, Section 6N, the department of public services is hereby authorized to make temporary repairs upon the following unaccepted street within the city if such streets have been opened to public use for two (2) or more years, provided that the director of public services determines that such repairs are required by public necessity. The city shall bear no liability on account of damages caused by such repairs. The unaccepted streets on which said temporary repairs may be made are as follows:

Adeline Road

Arbella Drive

Arthur Street Court

Bailey Avenue

Bartlett Street

Cabot Street to Union Street

Bass Street

Beatrice Road

Beaver Street	
Belmont Street	Person Street to Echo Avenue
Berrywood Lane	#27 to dead end
Big Rock Lane	
Bisson Street	Butman Street to Lothrop Street
Bonad Road	
Boyles Street	Tall Tree Drive to Foster Street
Boxwood Lane	
Brackenbury Lane	
Bradford Road	
Brimbal Hill Drive	
Brookhead Avenue	
Brooks Circle	
Budleigh Avenue	
Burley Street	
Butman Street	#16 to Bisson Street
Carleton Avenue	
Cedar Street	#25 to Middle Street
Central Court	
Chapman Terrace	
Chubbs Brook Lane	
Cobblers Lane	
Cole Street	Essex Street to #22
Colon Street	Brimbal Avenue to Essex Street
Common Lane	Thissell Street to #95 and #213 to Foster Street

Conway Street	
Coolidge Avenue	
Cottage Lane	
Cove Avenue	
Cox Court	School Street to dead end
Cross Lane	
Cumnock Street	
Church Street	Park Area
Dane Street	Cabot Street to Essex Street
Davis Street	
Di Palma Court	
Douglas Avenue	
Driscoll Lane	
Dryer Road	
Elizabeth Avenue	
Ellingwood Court	
Federal Street	Park Street to River Street
Fieldstone Lane	
Fitzgerald Way	
Fossa Terrace	
Foster's Point	
Foster Street	
Front Street	
Gary Court	
Gardner Street	Pearl Street to Liberty Street

Gateway Lane

Gray Road

Harwood Street

Ash Street to dead end

Haskell Street

High Street to Hart Street

Hathaway Avenue

Burley Street to Forest Street

Hayes Avenue

#27 to dead end

Hellard Road

Hemlock Street

Hersey Avenue

High Street

#29 to end

Highland Terrace

Hill Street

Hillcrest Road

Hillside Avenue

Northern Avenue to #36

Holding Street

#15 to Bates Park Avenue

Holmes Street

Hoover Avenue

Iverson Road

#12 to dead end

Jacobs Avenue

James Street

Butman Street to Pratt Avenue

Jordan Street

Snell Road to Tudor Road

Juniper Street

Kathleen Drive

Kennedy Drive

Kennell Hill Drive	
Kernwood Avenue	Leech Street to Kernwood Bridge
Kinsman Street	
Lanthorn Lane	
Leather Lane	
Leech Street	Livingstone Avenue to Kernwood Avenue
Livingstone Avenue	Woodland Avenue to Leech Street
Longview Terrace	#8 to Sonning Road
Marsh Avenue	
Marshall Court	
Matthies Street	#34 to dead end
McPherson Drive	
Michael Road	
Middle Street	Victor Avenue to Cedar Street
Millbrook Road	
Milton Street	
Montserrat Road	
Morningside Drive	
Morrison Avenue	
Moulton Court	
Nelson Avenue	#16 to Wirling Drive
Nursery Street	Dartmouth Street to Andover Road
Ober Lane	
Old Planters Road	
Oxford Terrace	

Palmer Road	
Paradise Road	
Park View Avenue	
Parramatta Road	Pearl Street extension to East Lothrop Street
Pasture Road	
Pickett Court	
Pillow Lace Road	
Pine Road	
Pinehurst Avenue	
Powers Street	
Prescott Street	Fillmore Street to Sargent Street
Prince Street	
Putnam Street	#45 to Albany Circle
Quincy Park	
Red Rock Lane	#19 to end
Rezza Road	
Robb Road	
Robin Road	
Roderick Avenue	
Rubbly Road	to #2
Russell Street	Jordan Street to high school
Salem Road	Puritan Road to dead end
Salters Avenue	
Sargent Avenue	Clark Avenue to first house north
Sargent Street	#24 to Prescott Street

Scenna Road	#12 to dead end
Shore Avenue	
Shortell Avenue	#70 to dead end
Smith Street	
Snell Road	
Sonning Road	
South Terrace	Eleanor Avenue to #15
Spring Street	
Stewart Lane	
Sturtevant Street	from #56 to end as of February 1987
Summit Avenue	#20 to Cox Court
Sunnycrest Avenue	
Tall Tree Drive	
Thaxton Road	to #8
Thissell Street	
Thomas Road	
Trask Street	
Tremont Street	Ellsworth Avenue to Clifton Avenue
Tyler Road	#16 to East Corning Street
Upland Road	Livingstone Avenue to Ashton Street
Valley Street	Hart Street to Hemlock Street
Vestry Street	
Walcott Road	#16 to dead end and Guild Road to dead end
Waldemar Avenue	
Watch Hill Lane	

Wayland Road

Wentzell Avenue

West Dane Street Park Street to dead end

Westerly Road Heather Street to dead end

Wirling Drive #14 to Nelson Avenue

(Ord. No. 32, § 1, 4-21-87; Ord. No. 360, 11-24-98; Ord. No. 69, 2-18-99)

ARTICLE XXIX. STREETS, HIGHWAYS AND BRIDGES

Section 29.01 Notice to certain corporations and Salem City Council of proposed work; work done by such corporations; notice to abutting owners.

- (a) Whenever the city is about to construct a new street or to break up the surface of any street, the Director of Public Services shall, at least two (2) weeks before beginning work thereon, notify the Salem City Council, the Boston Gas Company, the Massachusetts Electric Company, the MBTA, and Bell Atlantic if the Salem City Council or any of the companies mentioned have been authorized to lay or place any pipes, conduits or tracks in such street. If the Salem City Council or any of the companies mentioned have any work to be done in the street designated in the notice, it shall consult and arrange with the Director of Public Services in order that such work may be done before the surface of such street is prepared anew for public travel. The director shall also notify the abutters on such street and all other persons interested therein by publishing a notice of the work proposed in one (1) of the city newspapers at least one (1) week before beginning such work, and if any abutter or other person desires to open such street to do any work therein, application for a permit shall be made forthwith in order that the work may be done before the surface of the street is prepared as aforesaid. After such notice and opportunity have been given, no such council, company, abutter or person shall for the space of five (5) years break up the surface of such street so prepared, except in case of obvious necessity, to be certified to and approved by the Mayor. No street or way shall be opened by drain layers or other persons between the first day of December and the first day of the following April, except in case of necessity, certified to and approved by the Mayor, but nothing in this section shall prevent connection being made with a common sewer or drain when ordered by the board of health.

(Rev. Ords. 1973, § 27-7)

Section 29.02 Notice to certain corporations of proposed excavations.

- (a) Whenever there is to be any excavation in any street or sidewalk in the city, the Director of Public Services shall notify the Boston Gas Company, the Massachusetts Electric Company, and Bell Atlantic, at least forty-eight (48) hours

before commencing the work to determine whether or not any pipes or conduits might be endangered by such excavation. Such excavations include: Water, sewer, surface drainage, tree removals, installation of posts to a depth of over one (1) foot, street repairs and construction, sidewalk repair and construction, etc.

- (b) If it is determined by the aforesaid companies that their services might be endangered then such companies shall take appropriate measures to supervise and protect their respective services.
- (c) In the event of any emergency the provision requiring forty-eight (48) hours' notice shall not apply but the Director of Public Services shall immediately notify the aforesaid companies.

(Rev. Ords. 1973, § 27-8)

Section 29.03 Notice of openings to be given fire department.

- (a) Whenever any repairs, openings of trenches or any temporary occupation of any street, way or traveled place in the city is contemplated to be performed by any public service corporation or by a private contractor or corporation, at least twenty-four (24) hours' notice of same shall be given by such corporation or contractor to the chief of the fire department of the city. The notice shall set forth in general the extent and duration of the work contemplated.

(Rev. Ords. 1973, § 27-9)

Section 29.04 Reports as to accidents.

- (a) Whenever any accident occurs upon the highways or other public places of the city, or when for any cause circumstances arise involving possible liability of the city to damages, it shall be the duty of the members of the police force, including regular, reserve and special officers, the foreman and employees of the public services department and members of the fire department, having knowledge of such accident or circumstances, to report the same forthwith and without delay to the head officer of their respective departments and such report shall contain a sufficient statement of the place, time and special facts under which such accident or circumstances arose, and such head of department shall thereupon forthwith transmit such report to the chairman of the committee on legal affairs and accounts and to the city solicitor.

(Rev. Ords. 1973, § 27-10)

Section 29.05 Permits to make excavations and cause obstructions; fees.

- (a) No person shall break or dig up, or assist in breaking or digging up any part of any street, or remove any gravel or other similar thing therefrom for any purposes whatever except by permission of the Director of Public Services and under such restrictions and conditions as he may think proper.

- (b) A permit in writing must first be obtained from the Director of Public Services. Any and all holders of permits as aforesaid shall provide suitable lights in and on all obstructions or excavations placed by them in such public streets or ways between sunset and sunrise, and shall provide a suitable boardwalk for the public use around such obstructions and excavations. In the case of failure to so provide suitable lights the director shall provide the same at the expense of the holder of the permit.
- (c) In addition, the applicant shall provide the city with a cash bond in the amount of one thousand dollars (\$1,000.00) or ten dollars (\$10.00) per linear foot of trench, whichever is greater, to be held by the city treasurer.
- (d) In the event that the work for which the permit under this section is obtained is not completed in a timely manner or maintained in a satisfactory condition as determined by the Director of Public Services, then the director shall give the applicant forty-eight (48) hours notice by registered or certified mail to complete the work or make the necessary repairs.
- (e) If the repairs or completion ordered by the Director of Public Services are not completed within forty-eight (48) hours of the applicant's receipt of notice, the director shall notify the City Council's committee on public service and aid. The committee on public service and aid shall have the authority to release so much of the cash bond to the Public Services Department provided for in subsection (c) above as the commissioner determines is necessary to complete or repair the street so disturbed. Each and every break or digging up of any street shall require a separate permit, fee and cash bond.

(Rev. Ords. 1973, § 27-11; Ord. No. 108A, 2-21-89; Ord. No. 249, 5-15-89)

Section 29.06 Permits for permanent excavations; leaving coal holes uncovered

- (a) No person shall place or maintain any grating, or make any permanent excavation under the surface of any street for the purpose of constructing a coal hole, or for light and air, or for an entrance, or for any other purpose without permission from the City Council, and no person shall leave such coal hole or other aperture open or unfastened between sunset and sunrise in any case, nor in the daytime unless actually in use and properly guarded, and no grating shall project more than two (2) feet into the street.

(Rev. Ords. 1973, § 27-12)

Section 29.07 Excavations under streets to be kept in good repair by owners; saving city harmless.

- (a) Every owner of an estate hereafter maintaining any cellar, vault, coal hole or other excavation under the part of the street which is adjacent to, or part of, his estate and every person maintaining a post, pole or other structure in the street, or a wire, pipe, conduit or other structure under a street, shall do so only on condition

that such maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof in good repair and condition at all times during his ownership and to indemnify and save harmless the city against any and all damages, costs, expenses and compensation which it may sustain or be required to pay, by reason of any excavation or structure being under or in the street or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership. (Rev. Ords. 1973, § 27-13)

Section 29.08 Posts in streets.

- (a) No person shall place or maintain any posts in any street except by permission of the City Council, which permit may be revoked at any time.

(Rev. Ords. 1973, § 27-17)

Section 29.09 Public meetings in streets; temporary stands for selling goods.

- (a) No person shall hold or assist in holding gatherings or meetings in any public street within the city or occupy or use any portion of the same with temporary stands for the purpose of selling or attempting to sell any goods, wares or commodities of any description without first securing a permit from the chief of police, which permit shall state the day and hour or period for which such meeting, gathering or occupancy is to be held or made, nor without exhibiting such permit to any police officer when requested by him to do so.

(Rev. Ords. 1973, § 27-18)

State law reference Solicitation of business on public streets and sidewalks, M.G.L. c. 93, § 40.

Section 29.10 Spilling, leaking loads.

- (a) No person shall, without permission from the board of health, carry in or upon any vehicle through any street or way, coal, sawdust, ashes or any other material or debris which is liable to fall from such vehicle upon any street or way, whether or not the falling is caused by the elements, unless the same shall have been properly covered.

(Rev. Ords. 1973, § 27-19)

Section 29.11 Numbering and renumbering.

- (a) The Engineering Department, subject to the control and direction of the City Council, shall have general charge of numbering or renumbering streets in the city, and the committee shall make all necessary rules and regulations for the carrying out of the aforesaid powers. (Rev. Ords. 1973, § 27-20)

State law reference-Authority of cities to provide by ordinance for the numbering of buildings, M.G.L. c. 40, §21 (10).

Section 29.12 Moving buildings.

- (a) (a) No person shall move a building in a public street or way without permission from the City Council, which shall be granted upon such terms as in its opinion the public safety and convenience may require.
- (b) (b) All applications for such permission shall state the location and that to which the building is to be moved, its length, width and height, and the principal material of which it is constructed, and shall definitely describe the route over which it is to be moved, the length of time required to move it, and whether any shade trees or branches thereof will have to be removed, and if any, the location thereof, and shall be accompanied by the certificate of the Director of Public Services approving the desired route. In all cases where a permit has been granted for the removing of a building as provided in this section, the moving of which will necessitate the cutting of electric light or power wires by any corporation authorized to maintain the same in the city, the holder of the permit shall, before any such building is moved from its location, notify such corporation of the granting of the permit, and thereupon such corporation shall give not less than twenty-four (24) hours' notice through some daily newspaper published in the city, describing the wires which are to be cut and the time when the power or light, or both, are to be suspended.
- (c) (c) No person shall move any such building until he has given a bond to the city in the sum of three hundred dollars (\$300.00) with two (2) or more sureties, one (1) of whom shall be the owner of the building, to save harmless and indemnify the city from all damages which may occur by such moving. The bond shall be approved by the Director of Public Services and filed with the city clerk before the permit is issued.

(Rev. Ords. 1973, § 27-21)

State law references-Permission to move buildings, M.G.L. c. 85, § 18; cutting of wires in order to move buildings, M.G.L. c. 166, § 39.

Section 29.13 Construction of sidewalks.

- (a) Generally. Notwithstanding any other provisions of the city ordinances, the City Council under the direction of the Director of Public Services shall establish and cause to be constructed sidewalks in public ways of such materials as it may determine.
- (b) Curbing. Any person constructing a building on an existing street shall construct a sidewalk and curbing of material which conforms with the general area.

(Rev. Ords. 1973, §§ 27-22, 27-23)

ARTICLE XXX. WATER

Charter reference-Election and removal of water board by City Council, § 14.

State law references-Public water supply for cities and towns generally, M.G.L. c. 40, §§ 38 - 42; water supply, M.G.L. c. 111, §§ 159 - 174A; cities to make rules and regulations relative to pipes, etc., through which water is supplied, M.G.L. c. 40, § 21(7), (8).

Section 30.01 Duties of senior civil engineer.

- (a) The senior civil engineer, in addition to having charge of all engineering, shall under the jurisdiction of the director of public services have the general charge and supervision of the water distributing plant and pipes and all the property of the city pertaining thereto, shall maintain the same in good condition, shall use and operate the same, and shall exercise a general supervision over all the water business of the city, and shall lay and maintain all pipes, conduits and other fixtures and appliances necessary for distributing water to the inhabitants of the city.

(Rev. Ords. 1973, § 28-1)

Section 30.02 Records of meters.

- (a) In all cases where meters are furnished and attached, the Director of Public Services shall record, in a book kept for the purpose, the style, size and number of each meter, date when purchased, location, date when set, reading at such date, a detailed statement of test and percentage of error shown and the reading and date when reset, also a description of all defects and repairs of such meters.

(Rev. Ords. 1973, § 28-2)

Section 30.03 Repairs; records of height of water; sidewalk injuries.

- (a) The Director of Public Services shall repair all leaks and breaks from any cause in the main pipes, hydrants, gates or services attached to the distributing plant; and when in the performance of these repairs, or for any other purpose, it becomes necessary to shut off the water from any pipe, the director shall duly notify all takers thus to be deprived of water, except in cases of emergency; and shall sufficiently repair all injuries to any street, sidewalk, highway or other public property caused by the distributing plant. The director shall keep a detailed record of the height of water in the reservoir and sources of supply of the city.

(Rev. Ords. 1973, § 28-3) Supp. No.2

Section 30.04 Rates; commitment of bills to collector.

- (a) The Director of Finance shall have the power to prescribe such water and sewer rates as may be approved by the City Council subject to such changes as the City

Council may from time to time adopt. He shall commit all bills for water and sewer rates and the use of water to the collector of taxes for collection.

(Rev. Ords. 1973, § 28-4)

State law reference-Water rates as a lien on real estate, M.G.L. c. 40, §§ 42A-42F.

Section 30.05 Mandatory charges, metering.

- (a) All water used in the city shall be charged for, and all premises of every person or organization taking water shall be metered.

(Rev. Ords. 1973, § 28-4A)

Section 30.06 Charges to be paid by contractors.

- (a) All city water used by private contractors under city contract shall be charged for and the regular schedule rates for the same collected in the manner provided in this article, and the payment therefor by each contractor shall be provided for in the specifications of each contract.

(Rev. Ords. 1973, § 28-5)

Section 30.07 Restrictions on the Use of the Public Water Supply

(a) Authority

- (i) This Ordinance is adopted by the City of Beverly under its police powers to protect public health and welfare and its powers under M.G.L. c.40, 21 et seq. and implements the City of Beverly's authority to regulate water use pursuant to M.G. L. c. 41, 69B. This ordinance also implements the City of Beverly's authority under M.G.L. c. 40, 41A.

(b) Purpose

- (i) The purpose of this ordinance is to protect, preserve and maintain the public health, safety and welfare whenever there is in force a State of Water Supply Conservation or State of Water Supply Emergency by providing for enforcement of any duly imposed restrictions, requirements, provisions or conditions imposed by the City of Beverly

(c) Definitions

- (i) *Person* shall mean any individual, corporation, trust, partnership or association, or other entity.
- (ii) *State of Water Supply Emergency* shall mean a State of Water Supply Emergency declared by the Department of Environmental Protection under M.G. L. c.21G, 15-17.

- (iii) *State of Water Supply Conservation* shall mean a State of Water Supply Conservation declared by the City of Beverly pursuant to paragraph (d) of this ordinance.
 - (iv) *Water Users or Water Consumers* shall mean all public and private users of the City of Beverly's public water system, irrespective of any person's responsibility for billing purposes for water used at any particular facility.
- (d) Declaration of a State of Water Supply Conservation
- (i) The Mayor, acting through the Director of Public Services, may declare a State of Water Supply Conservation upon a determination by the said Director of Public Services that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a State of Water Conservation shall be given pursuant to paragraph (f) of this ordinance before it may be enforced.
- (e) Restricted Water Uses
- (i) A declaration of a State of Water Supply Conservation may include one or more of the following restrictions, conditions, or requirements limiting the use of water, as well as any other restriction, condition or requirement that the City of Beverly determines to be necessary to protect the water supply. The applicable restrictions, conditions or requirements shall be included in the public notice required hereunder.
 - (ii) Odd/Even Day Outdoor Watering - Outdoor water use, whether by hose or automatic sprinklers, by water users with odd numbered addresses is restricted to Monday, Wednesday and Friday. Outdoor watering by water users with even numbered addresses is restricted to Tuesday, Thursday and Saturday. There shall be no outdoor watering on Sunday.
 - (iii) Outdoor Watering Ban - All outdoor water use is prohibited.
 - (iv) Outdoor Watering Hours - Outdoor water use, whether by hose or automatic sprinklers, is permitted only during daily periods of low demand, to be specified in the declaration of a State of Water Supply Conservation and public notice thereof.
 - (v) Filling Swimming Pools - Filling of swimming pools is prohibited.
 - (vi) Automatic Sprinkler Use - The use of automatic sprinkler systems is prohibited.
- (f) Public Notification of a State of Water Supply Conservation; Notice to DEP
- (i) Notification of any provision, restriction, requirement or condition imposed by the City of Beverly as part of a State of Water Supply Conservation shall be published in a newspaper of general circulation within the City of

Beverly, or by such other means reasonably calculated to reach and inform all users of water of the State of Water Supply Conservation. Any restriction imposed under paragraph (e) shall not be effective until such notification is provided. Notification of the State of Water Supply Conservation shall also be simultaneously provided to the Massachusetts Department of Environmental Protection.

(g) Termination of a State of Water Supply Conservation; Notice

- (i) The Mayor, acting through the Director of Public Services, may terminate a State of Water Supply Conservation upon a determination by the Director of Public Services that the water supply shortage no longer exists. Public notification of the termination of a State of Water Supply Conservation shall be given in the same manner required hereunder.

(h) State of Water Supply Emergency. Compliance with DEP Orders

- (i) Upon notification to the public that a declaration of a State of Water Supply Emergency has been issued by the Department of Environmental Protection, no person shall violate any provision, restriction, requirement, condition of any order approved or issued by the Department intended to bring about an end to the State of Emergency.

(i) Enforcement

- (i) The Commissioner of Public Services, the Director of Municipal Inspections, the Fire Chief and the Chief of Police, or their designees, shall be authorized to issue citations for violations of this ordinance.

(j) Penalties

- (i) Any person violating this ordinance shall be liable to the City of Beverly in the amount of \$50.00 for the first violation and \$100 for each subsequent violation. Each day of violation shall constitute a separate offense.

(k) Severability

- (i) The invalidity of any portion or provision of this ordinance shall not invalidate any other portion or provision thereof.

(Ord. No 98, 4-4-2002)

Section 30.08 Examination of fixtures.

- (a) The Director of Public Services shall, as often as twice in each year, cause the premises of every person taking water to be visited, and the water meter therein to be examined by a properly qualified inspector, and shall exercise a constant supervision over the use of water.

(Rev. Ords. 1973, § 28-6)

Section 30.09 Distance and height water pipes to be laid from house sewer line.

- (a) The Director of Municipal Inspections shall cause the entrance of all water pipes hereafter laid to any building in the city to be at least ten (10) feet distant horizontally for its entire length from any house sewer line or a distance of at least eighteen (18) inches above such house sewer line. (Rev. Ords. 1973, § 28-7)

Section 30.10 Laying of pipes in streets-Assessment of abutting owners.

- (a) When a water pipe is laid in any public or private street or way of the city, the City Council shall assess upon owners of estates abutting on such street or way the cost thereof, based upon the estimated average cost of the water pipes in the water supply system adopted by the city by the following fixed uniform rate: One dollar (\$1.00) per foot of frontage which such estates have upon any street or way where a water pipe is constructed and one cent (\$0.01) per square foot of area which such estates contain within one hundred (100) feet from such street or way. Such assessments shall be ascertained, assessed and certified by the City Council, to the board of assessors for assessment, and notice thereof shall be given to the party to be charged, or his tenant or lessee.

(Rev. Ords. 1973, § 28-8)

Section 30.11 Same-Estates abutting on more than one street.

- (a) When estates abut upon more than one (1) street or way, assessment for water pipes based upon frontage shall be assessed upon the frontage of one (1) such street or way, and upon so much of such other street or streets as is not exempted by the City Council. The City Council may exempt from assessment so much of the frontage on such other street or streets as it deems just and equitable.

(Rev. Ords. 1973, § 28-9)

Section 30.12 Water pipes laid by landowners.

- (a) If any water pipes are laid in a public or private way or land at the total expense of the owner thereof, his land shall not be assessed for such water pipes, except for the cost of connecting it with water pipes already established. The pipes thus laid become public and available for use by future residents.

(Rev. Ords. 1973, § 28-10)

Section 30.13 Large meters; testing and repairs.

- (a) All meters two (2) inches in size and larger shall be tested at the following frequencies:

Size (in inches)	Frequency (in years)
2-3	5
4-6	3
Above 6	1

- (b) The users of large meters shall pay for the actual cost of testing plus a fifteen-percent charge for overhead costs. Any meters found to be more than three (3) percent in error shall be repaired or replaced. The actual cost of repairing or replacing the meter shall be paid for by the user of the meter. A fifteen-percent charge shall be added to this cost for overhead.

(Rev. Ords. 1973, § 28-11)

- (c) Demand charge.
 - (i) The Director of Public Services is hereby authorized to collect a one-time demand charge from all newly constructed and newly created residential, commercial, and industrial units, including new residential condominium, commercial and industrial units within existing buildings, according to the schedule of charges appearing below. The purpose of such demand charge is to fund a portion of the cost of supplying sufficient water at adequate pressure to meet the increasing demands for water by the cumulative effect of new residential, commercial, and industrial units being supplied with water. Such demand charge shall be separate and distinct from the application for water permit fee and shall be paid after approval of the application for water but prior to the initiation of water service and issuance of the building permit.

(Rev. Ords. 1973, § 28-12; Ord. No. 67, 1-26-93)

Section 30.14 Water meter service fees

- (a) Fees shall be collected by the public services department for the following water meter services:
 - (1) Seasonal removal and reset
ting of water meters, for each
removal or resetting
 - (2) Repair of frozen meters due to
the negligence of the owner or
occupant of the property Price of
meter, plus labor to remove and install
 - (3) Meter tests if the meter is
found to be working and measuring

correctly, per test

(Ord. No. 412, 10-17-88)

Section 30.15 Water and sewer permit application fee

- (a) The public services department shall collect a fee for each application for water and sewer permits.

(Ord. No. 412, 10-17-88; Ord. No. 193, 6-9-2004)

Fire flow testing fee.

- (b) The Director of Public Services is hereby authorized to collect a fee for each fire flow test on hydrants within the city, to be charged to the person or entity so requesting such fire flow test.

(Ord. No. 108B, 2-21-89)

ARTICLE XXXI. CROSS-CONNECTION CONTROL PROGRAM

Section 31.01 Purpose.

- (a) To protect the public potable water supply served by the department of public services from the possibility of contamination or pollution by isolating such contaminants or pollutants which could backflow or backsiphon into the public water system.
- (b) To promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system, and non-potable systems.
- (c) To provide for the maintenance of a continuing program of cross-connection control which will effectively prevent the contamination or pollution of all potable water systems by cross-connection.

(Ord. No. 186, 5-15-89)

Section 31.02 Authority.

- (a) As provided in the Federal Safe Drinking Water Act of 1974, (Public Law 93-523), and the Commonwealth of Massachusetts Drinking Water Regulations, 310 CMR 22.22, the water purveyor has the primary responsibility for preventing water from unapproved sources or any other substances from entering the public potable water system.
- (b) The City of Beverly's cross-connection control program shall be implemented as provided in this article in compliance with the applicable requirements of the

Code of Massachusetts Regulations (CMR). In the event of a conflict between the provisions of this article and the requirements of the CMR, the CMR shall control.

(Ord. No. 186, 5-15-89; Ord. No. 334, 8-23-95)

Section 31.03 Responsibility.

- (a) The DPS shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or backsiphonage of contaminants or pollutants. If, as a result of a survey of the premises, the DPS determines that an approved backflow prevention device is required at the city's water service connection or as in-plant protection on any customer's premises, the DPS, or its delegate agent, shall issue a cross-connection violation form to the customer to install approved backflow prevention devices. The customer shall, within a time frame determined by the DPS, install such approved device or devices at his own expense, and failure or refusal or inability on the part of the customer to install the device or devices within the specified time frame shall constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed.

(Ord. No. 186, 5-15-89)

Section 31.04 Definitions.

- (a) *Air gap separation*: The method of preventing backflow through the use of an unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and flood level rim of the receptacle.
- (b) *Approved*: Accepted by the reviewing authority as meeting an applicable specification stated or cited in this regulation or as suitable for the proposed use.
- (c) *Approved back flow prevention device or devices*: A method to prevent backflow approved by the department for use in Massachusetts.
- (d) *Atmospheric vacuum breaker*: An approved backflow device used to prevent back siphonage which is not designed for use under static line pressure.
- (e) *Auxiliary water supply*: Any water supply of unknown or questionable quality on or available to the premises other than the supplier's approved public potable water supply.
- (f) *Back pressure*: Pressure created by mechanical means or other means which causes water or other liquids or substances to flow or move in a direction opposite to that which is intended.

- (g) *Back siphonage*: A form of backflow due to reduced or subatmospheric pressure within a water system.
- (h) *Backflow*: The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply from any source other than the intended source.
- (i) *Back flow preventer with intermediate atmospheric vent*: A device having two (2) independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere, in which the check valves are force loaded to a normally closed position and the venting means is force loaded to a normally open position.
- (j) *Barometric loop*: A loop of pipe rising at least thirty-five (35) feet, at its topmost point, above the highest fixture it supplies.
- (k) *DPS*: The city department of public services or its designee if and as permitted by applicable provision in the Code of Massachusetts Regulations.
- (l) *Contaminant*: Any physical, chemical, biological or radiological substance or matter in water.
- (m) *Cross-connection*: Any actual or potential connection between a distribution pipe of potable water from a public water system and any waste pipe, soil pipe, sewer, drain or other unapproved source.
- (n) *Cross-connection violation form*: A violation form designated by the Department, which is sent to the owner by the water supplier with copies sent to the department, plumbing inspectors and board of health delineating cross-connection violations found on the owner's premises and a procedure for corrective action.
- (o) *DEP*: The Massachusetts Department of Environmental Protection.
- (p) *Double check valve assembly*: A backflow prevention device which incorporates an assembly of check valves, with shut-off valves at each end and appurtenances for testing.
- (q) *In-plant protection*: The location of approved backflow prevention devices in a manner which provides simultaneous protection of the public water system and the potable water system within the premises.
- (r) *Owner*: Any person maintaining a cross-connection installation or owning or occupying premises on which cross connections can or do exist.
- (s) *Permit*: A document issued by the department which allows a cross-connection installation.

- (t) *Person*: Any individual, corporation, company, association, trust, partnership, the Commonwealth, a municipality, district, or other subdivision or instrumentality of the United States, except that nothing herein shall be construed to refer to or to include any American Indian tribe or the United States Secretary of the Interior in his capacity as trustee of Indian lands.
- (u) *Pressure vacuum breaker*: An approved backflow prevention device designed to prevent only back siphonage and which is designed for use under static line pressure and which has necessary appurtenances for testing.
- (v) *Reduced pressure backflow preventer*: An approved backflow prevention device incorporating:
 - (i) Two (2) more check valves;
 - (ii) An automatically operating differential relief valve located between the two (2) checks;
 - (iii) Two (2) shut-off valves; and
 - (iv) Necessary appurtenances for testing.
- (w) *Residential dual check*: An assembly of two (2) spring-loaded, independently operating check valves without tightly closing shut-off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device.
- (x) *Reviewing authority*: The Massachusetts Department of Environmental Protection.

(Ord. No. 186, 5-15-89; Ord. No. 334, 8-23-95)

Section 31.05 Administration.

- (a) The DPS will operate an active cross-connection control program, to include the keeping of necessary records, which fulfills the requirements of the state DEP's cross-connection regulations and is approved by the department.
- (b) The owner shall allow his property to be inspected for possible cross-connections and shall follow the provisions of the DPS's program and the department regulations.

(Ord. No. 186, 5-15-89)

Section 31.06 Requirements.

- (a) DPS.

- (i) On new installations, the DEP or its designee will provide on-site evaluation and/or inspection of plans in order to determine the type of backflow preventer, if any, that will be required, and notify the owner of plan approval requirements by the appropriate reviewing authority.
 - (ii) For premises existing prior to the start of this program, the DPS will perform surveys of the premises and reviews of as-built plans and issue a cross-connection violation form to the owner detailing any corrective action required, the method of achieving the correction, and the time allowed for the correction to be made. The time period allowed shall depend upon the degree of hazard involved.
 - (iii) The DPS will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested to insure satisfactory operation. The DPS may require the installation of a temporary device if the DEP is late issuing a permit.
 - (iv) If the DPS determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.
 - (v) The DPS shall have on its staff, or shall have a delegated representative, a person who is a backflow prevention device tester certified by the Commonwealth.
 - (vi) The DPS will begin initial premises inspections to determine the nature of existing or potential hazard, following the approval of this program by the department, during calendar year 1989. Initial focus will be on high hazard industries and commercial premises.
- (b) Owner.
- (i) The owner shall be responsible for the elimination or protection of all cross-connections on his premises.
 - (ii) The owner shall be responsible for applying for and obtaining all necessary approvals and permits for the maintenance of cross-connections and installation of backflow prevention devices, and applying annually for the renewal of each permit.
 - (iii) The owner shall have any device that fails on inspection or tests repaired by a licensed plumber.
 - (iv) The owner shall inform the DPS of any proposed or modified cross-connection and also any existing cross-connections of which the owner is aware but has not been found by the DPS.
 - (v) The owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the by-pass. Owners who cannot

shut down operation for testing of the device(s) must supply additional devices necessary to allow testing to take place.

- (vi) The owner shall install backflow preventers in a manner approved by the department and by the DPS.
- (vii) The owner shall install only reduced pressure backflow preventers and double-check valve assemblies approved by the state DEP.
- (viii) Any owner of industrial, commercial or institutional premises having a private well or other private water source must have a permit if the well or source is cross-connected to the DPS's system. Permission to cross-connect may be denied by the DPS. The owner may be required to install a backflow preventer at the service entrance if a private water source is maintained even if it is not cross-connected to the commission's system.
- (ix) The owner of any residential premises having a private well or other private water source will not be allowed a physical cross-connection with the public water supply system.
- (x) The owner shall be responsible for the payment of all fees for surveys, permits, device testings, retestings in the case the device fails to operate correctly, and second reinspections for noncompliance with DPS or department requirements.

(Ord. No. 186, 5-15-89; Ord. No. 334, 8-23-95)

Section 31.07 Degree of hazard.

- (a) The DPS recognizes the threat to the public water system arising from cross-connections. As such, the DPS, whereas it is responsible for the quality of the public water supply, may require a containment device on the water service entrance to any customer who, as a result of unprotected cross-connections, could contaminate the public water supply system.

(Ord. No. 186, 5-15-89)

Section 31.08 Enforcement.

- (a) The DPS shall not allow a cross-connection to exist with the public water supply system unless it is considered necessary and all appropriate approvals and permits have been issued. A fine of \$500 per occurrence shall be assessed for a violation of this section.

(Ord. No. 186, 5-15-89)

Section 31.09 Existing in-use backflow prevention devices.

- (a) Any existing backflow preventer shall be allowed by the DPS to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer or result in an unreasonable risk to the public health. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, any existing backflow preventer must be upgraded to a reduced pressure backflow preventer, or a reduced pressure backflow preventer must be installed in the event that no backflow device was present.

(Ord. No. 186, 5-15-89)

- (b) Periodic testing.
- (c) Reduced pressure backflow preventers and double-check valve assemblies shall be tested and inspected at least semiannually by a certified device tester hired by the DPS. All tests shall be witnessed by the DPS's licensed staff tester.
- (d) The testing shall be conducted during regular business hours. Exceptions to this, when at the request of the owner, may require additional charges to cover the increased costs to the DPS.
- (e) Reduced pressure backflow preventers and double check valve assemblies must be tested annually by the owner, independent of the semiannual test by the DPS's representative, and such test must be conducted by a certified tester.
- (f) Any backflow preventer which fails during a periodic test must be repaired or replaced by a licensed plumber. When repairs are necessary, upon completion of the repair, the device will be retested at the owner's expense to insure proper operation. High hazard situations will not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. In other situations, a compliance date of not more than fourteen (14) days after the test date will be established. The owner is responsible for spare parts, repair tools or a replacement device. Parallel installation of two (2) devices is an effective means of the owner insuring that uninterrupted water service remains during testing or repair of devices and is strongly recommended when the owner desires such continuity.
- (g) Backflow prevention devices will be tested more frequently than specified above in subsection (a) in cases where there is a history of test failures and the DPS feels that, due to the degree of hazard involved, additional tests will be borne by the owner.

(Ord. No. 186, 5-15-89; Ord. No. 334, 8-23-95)

Section 31.10 Records and reports.

- (a) Records. The DPS will initiate and main

- (i) Master files on customer cross-connection tests and/or inspections.
 - (ii) Master files on approved cross-connection installations.
 - (iii) Copies of lists and summaries supplied to the Massachusetts Department of Environmental Protection.
- (b) Reports. The DPS will submit the following to the DEP.
- (i) Initial listing of high hazard cross-connections and potential cross-connections.
 - (ii) Initial listing of low hazard cross-connections and potential cross-connections.
 - (iii) Annual update lists of section (a).
 - (iv) Annual summary of cross-connection inspections and surveys.
- (Ord. No. 186, 5-15-89; Ord. No. 334, 8-23-95)

ARTICLE XXXII. STORMWATER AND CONSTRUCTION SITE MANAGEMENT

Section 32.01 Purpose

- (a) The purpose of this Ordinance is to protect the surface water bodies, natural resources, and public and private property within the City of Beverly from the negative impacts caused by polluted and unmanaged stormwater runoff and activities related to development, construction and land surface alteration and work not otherwise subject to regulation by the Planning Board and/or the Conservation Commission. In response to the mandates set forth under the amendments to the Federal Clean Water Act, this Ordinance partially fulfills the requirement of the Phase II National Pollution Discharge Elimination System (NPDES) Permit in order to achieve compliance with the U.S. Environmental Protection Agency's stormwater regulations.
- (b) Because stormwater discharges from a variety of sources including storm sewers, construction, waste disposal, earth disturbance and resource extraction are major causes of impairment to the water quality of natural coastal and inland water bodies and wetland resource areas, this Ordinance is designed to regulate a myriad of aspects relating to the development or redevelopment of land as well as to detect and eliminate illicit discharges into the City's storm drainage system.
- (c) This Ordinance and the regulations promulgated hereunder serve to establish minimum standards, design criteria, implementation, guidance and enforcement to achieve the following objectives:
 - (i) Establish, regulate and enforce stormwater management standards for development and redevelopment projects by adopting and enforcing the nine (9)

Stormwater Management Standards set forth in the Massachusetts Stormwater Management Policy;

- (ii) Detect and eliminate illegal discharges to the municipal storm drain system including but not limited to sewage, process wastewater, wash water, indoor drains, floor drains, sinks from residential, commercial or industrial sources;
- (iii) Guide, regulate and manage construction activities that render soil exposed and vulnerable to erosion by wind and water as well as containing and properly managing potential on-site pollutants including but not limited to oils, gasoline, pesticides, paints, garbage and sanitary wastes;
- (iv) Regulate the alteration of grades/elevations of the land surface by more than two feet to protect against damage to abutting properties and adjacent wetlands resource areas resulting from altered drainage patterns.
- (v) Establish a Stormwater Management Advisory Committee to work with the Engineering Department in establishing and evaluating rules and regulations to further clarify and implement this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.02 Applicability

- (a) This Ordinance applies to all construction, development, and redevelopment activities that involve and/or impact stormwater discharge, soil disturbance, altering of grades or drainage patterns not expressly exempted from it.

(Ord. No. 86, 5-12-2008)

Section 32.03 Storm water Management of New Development & Redevelopments

- (a) Regulation of discharges to the municipal storm drainage system and the surface waters and wetlands is necessary for the protection of the City of Beverly's water bodies and groundwater, and to safeguard the public health, safety, welfare and the environment. Increased and contaminated stormwater runoff associated with developed land uses and the accompanying increase in impervious surface is a major cause of impairment of water quality and flow in the ocean, lakes, ponds, streams, rivers, wetlands and groundwater, contamination of drinking water supplies, erosion of stream channels, alteration or destruction of aquatic and wildlife habitat, and flooding.
- (b) This Ordinance establishes stormwater management standards for development and redevelopment projects that disturb an acre or more of land to minimize adverse impacts offsite and downstream which would be born by abutters, residents and/or the general public by:

- (c) Complying with all other state and federal statutes and regulations relating to stormwater discharges and adopting the following Standards of the Massachusetts Stormwater Policy:
- (i) Storm water management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates;
 - (ii) Loss of annual recharge to groundwater should be minimized through the use of infiltration measures to the maximum extent practicable. The annual recharge from a site post-development should approximate the annual recharge from the pre-existing or existing site conditions, based on soil types;
 - (iii) For new development, stormwater management systems must be designed to remove 80% Total Suspended Solids (TSS);
 - (iv) Redevelopment of previously developed sites must meet the Stormwater Management Standards to the maximum extent practicable;
 - (v) All stormwater management systems must have an operation and maintenance plan to ensure that systems function as designed.
 - (vi) Protecting groundwater and surface water from degradation;
 - (vii) Promoting groundwater recharge;
 - (viii) Preventing pollutants from entering Beverly's municipal storm drainage system and to minimize discharge of pollutants from the system;
 - (ix) Ensuring adequate long-term operation and maintenance of structural stormwater best management practices so that they function as designed;
 - (x) Ensuring public safety and protecting public and private property, surface drinking water supplies, groundwater resources, recreation, aquatic habitats, fish and other aquatic life, property values and other uses of lands and waters;
 - (xi) Requiring practices to control the flow of stormwater from new and redeveloped sites into the Beverly storm drainage system in order to prevent flooding and erosion;
 - (xii) Establishing Beverly's legal authority to ensure compliance with the provisions of this Ordinance through inspection, monitoring, and enforcement.

Section 32.04 Exemptions:

- (a) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04; Maintenance of existing landscaping, gardens or lawn areas provided such maintenance does not include the addition of soil material, or alteration of existing grades;

- (b) The construction of any walls and fencing that will not alter existing terrain or drainage patterns;
- (c) Construction of utilities other than drainage (gas, water, sanitary sewer, electric, telephone, etc.) which will not alter terrain, ground cover, or drainage patterns;
- (d) Projects wholly within the jurisdiction of the Conservation Commission and requiring an Order of Conditions.

(Ord. No. 86, 5-12-2008)

Section 32.05 Illicit Connections

- (a) This Ordinance also provides for the health, safety, and general welfare of the citizens of Beverly by regulating storm water discharge into the City's storm drain system and waterways in accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- (b) The City's storm drainage system includes storm water pipes and drainage waterways and conveys surface water runoff to receiving waters. Generally runoff enters the storm water drainage system piping through catch basins on streets and on public and private property and from drainage swales and ditches. No sewage discharge is allowed into this system.
- (c) The City also has a separate piped municipal sanitary sewerage system. In order to reduce and eliminate infiltration and inflow into this system, no storm drainage discharge is allowed into the municipal sanitary sewer system from any source including, but not limited to, sump pumps and roof drainage. The sewerage system conveys wastewater from residences and commercial and industrial establishments to the South Essex Sewerage District wastewater treatment plant in Salem. The City's sewerage system is regulated by the Sewers article hereunder.
- (d) The objectives of this section are to:
 - (i) Minimize the contribution of pollutants to the municipal storm drainage system;
 - (ii) Minimize the negative impact of illicit connections and discharges upon the City's natural resources;
 - (iii) Prohibit illicit connections and discharges to the municipal storm drainage system; and
 - (iv) Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.06 Erosion/Sedimentation and Materials Management

- (a) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates extraordinary maintenance and repair of storm drains and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.
- (b) Many potential pollutants other than sediment are associated with construction activities. These pollutants include pesticides, fertilizers used for vegetative stabilization; petrochemicals (oils, gasoline, and asphalt degreasers), construction chemicals such as concrete products, sealers, and paints, wash water associated with these products, paper; wood; garbage and sanitary wastes.
- (c) As a result, the purpose of this section is to safeguard persons, protect property, and prevent damage to the environment in the City of Beverly. This Ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of certain development or other activity that disturbs the topsoil or results in the movement of earth within the City of Beverly.
- (d) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of one (1) acre or more (43,560 square feet) without the written approval of an Erosion/Sediment Control and Materials Management Plan by the Engineering Department. Such projects shall be required to submit an Erosion/Sediment Control and Materials Management Plan with the application when, in the opinion of the Director of Engineering or his designee, the submission of such a plan is needed to further the purpose and intent of this Ordinance and/or to safeguard surrounding property and public infrastructure systems.
- (e) No person shall be granted a site development permit for land-disturbing activity that would require disturbing less than one acre but more than one-quarter acre without the approval of an Abbreviated Erosion/Sediment Control & Materials Management Application by the Engineering Department.
- (f) No person shall be granted a site development permit for land-disturbing activity that would require disturbing less than one-quarter acre without the approval of a Minor Project Management Application by the Engineering Department.

Section 32.07 Exemptions:

- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
- (b) Repairs to any stormwater system deemed necessary by the City of Beverly
- (c) Engineering Department or its designee; or

- (d) Existing nursery and agricultural operations conducted as a permitted use.

(Ord. No. 86, 5-12-2008)

Section 32.08 Drainage Pattern Alterations

- (a) Changing the grading of the land surface can have an impact on drainage characteristics of even relatively small watershed areas. Therefore, regulating proposed grading for all projects, including minor ones is necessary for the protection of the City of Beverly's natural resources, and to safeguard public and private property from the potential negative impacts due to increased peak rate run off, increase in volume, and flooding.
- (b) A permit required by this Ordinance will be issued by the City Engineer to the owner or the owner's duly authorized agent after the City Engineer has reviewed a plan to be submitted showing the nature of the grade change proposed, but only on such conditions, which shall be determined by the City Engineer, that will ensure that the proposed grade changes will not adversely affect existing drainage and groundwater conditions that could affect the public health, safety and welfare of any public way or adjoining real estate.
- (c) It shall be unlawful for any person or other legal owner of real property in the City to disturb the existing grade of land by more than two feet without first obtaining the approval of the City Engineer, and where applicable, the Conservation Commission (if the property is subject to the Wetlands Protection Act or the City's Wetland Protection Ordinance and the Rules and Regulations adopted pursuant to that Ordinance) and the Planning Board (if the property is being altered pursuant to a plan subject to the Subdivision Control Law).

Section 32.09 Exemptions:

- (a) Emergency work as declared or determined by the Director of Engineering or his designee.

(Ord. No. 86, 5-12-2008)

Section 32.10 Responsibility For Administration

- (a) The Director of Engineering shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the Director of Engineering by this Ordinance may be delegated in writing by the Director to persons or entities acting in the beneficial interest of or in the employ of the City.

(Ord. No. 86, 5-12-2008)

Section 32.11 Enforcement

- (a) Any person violating any of the provisions of this Ordinance or of any order or permit issued hereunder shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this Ordinance, order or permit is committed or continued shall constitute a separate offense. The Department or its delegated agents may issue a stop work order to the owner, the applicant, or the owner's or applicant's agent by certified mail, return receipt requested, and by posting the same in a conspicuous location on the work site. Upon conviction of any violation of this Ordinance, such person shall be punished by a fine of \$300 for each offense. In addition to any penalty authorized by this section, any person violating any of the provisions of this Ordinance shall be required to bear the expense of site restoration. Nothing in this section, including the failure of the Department or its delegated agents to issue a stop work order, shall prevent the City from pursuing any other remedy provided for by law, including equitable relief, to restrain violations of this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.12 Rules & Regulations

- (a) The Director of Engineering in collaboration with the City of Beverly Stormwater Management Advisory Committee and Stormwater Coordinator shall be empowered to establish Rules and Regulations to govern the permitting process, including but not limited to fees, application procedures, definitions, use of consultants, security to assure performance, performance standards for work, and such other information the Department and Committee deems necessary to discharge its responsibilities. The Department and Committee may promulgate such rules and regulations to effectuate the purposes of this Ordinance by a majority vote of the duly appointed members of the Stormwater Management Advisory Committee. Failure by the Department and the Committee to promulgate such rules and regulations, or a legal declaration of their validity by a court of law, shall not act to suspend or invalidate the effect of this Ordinance.

(Ord. No. 86, 5-12-2008)

Section 32.13 Severability

- (a) The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, order or decision, which have previously become final.

(Ord. No. 86, 5-12-2008)

ARTICLE XXXIII. TRENCH SAFETY AND PERMITS

Section 33.01 Permit Granting Authority

- (a) The Director of Public Services, , and Director of Engineering, or their designees designated in writing shall be the city officer to issue permits for the purpose of creating a trench as that term is defined in G. L. c. 82A §4 and 520 CMR 14.00.

(Ord. No. 259, 1-7-2009)

Section 33.02 Optional Inspections

- (a) Said permit granting officer may require the inspection of any proposed trench site before the issuance of any trench permit.

(Ord. No. 259, 1-7-2009)

Section 33.03 Police Details.

- (a) Should the permit granting officer determine that any trench site is not covered, barricaded, or backfilled and is unattended and the permit holder, if any, be unavailable or refuses to take corrective action, the permit granting officer may secure the services of a police detail officer to make the trench site safe. The permit holder, landowner, or contractor shall be assessed the costs of providing said police detail.

(Ord. No. 259, 1-7-2009)

Section 33.04 Making Safe by Department of Public Services

- (a) In addition to the securing of a police detail to make a trench site safe or in the alternative, should the permit granting officer determine that any trench site is not covered, barricaded, or backfilled and is unattended and the permit holder, if any, is unavailable or refuses to take corrective action, the permit granting officer may have the Department of Public Services take action to cover, barricade, or backfill said trench, and the permit holder, landowner, or contractor shall be assessed the costs associated with any such action, including overtime for Department of Public Services employees.

(Ord.No. 259, 1-7-2009)

Section 33.05 Blanket Permits

- (a) For projects involving multiple trenches, the permit granting officer may issue a single blanket permit for such work. When a blanket permit is issued, the permit holder shall notify the permit granting officer of the location of each new trench as the permit holder becomes aware that such project requires an additional trench.

(Ord. No. 259, 1-7-2009)

Section 33.06 Fees

- (a) The cost of a trenching permit, for entities other than the City of Beverly, shall be \$100.00.
- (b) In the case of a blanket permit the cost for entities other than the City of Beverly shall be \$100.00 for each trench identified in or added to hereunder.
- (c) The City of Beverly shall be issued trenching permits hereunder without cost.

(Ord. 259, 1-7-2009)

Section 33.07 Penalty

- (a) The creation of a trench without first having obtained a permit hereunder shall be punished by a fine of \$250.00. Said fine shall be in addition to and not in offset of any costs associated with corrective action taken under the foregoing sections.
- (b) Failure to have properly covered, backfilled, or barricaded an unattended trench shall be punished by a fine of \$250.00. Said fine shall be in addition to and not in offset of any costs associated with corrective action taken under the foregoing sections.f

(Ord. No. 259, 1-7-2009)

ARTICLE XXXIV. SEWERS

State law references-Boards of health to make regulations relative to house drainage, M.G.L. c. 111, - 127; laying out of sewers, etc., M.G.L. c. 83, § 1 et seq.; authority to declare a sewer a common sewer and regulate the use thereof, M.G.L. c. 40, § 21(5), (6).

Section 34.01 Laying and maintenance.

- (a) The Mayor and City Council may lay, make and maintain all such main drains or common sewers as they adjudge to be necessary for the public convenience or the public health through any of the streets or ways of the city, and through the lands of any person, and may repair the same whenever it is necessary. Main drains and common sewers so laid shall be the property of the city, and all drains and common sewers in a street or highway shall be substantially made or repaired with brick, stone or with such other materials and in such manner as the Mayor and City Council may direct.

(Rev. Ords. 1973, § 25-1)

Section 34.02 Responsibility for connections, service, repairs, etc.; determination of need.

- (a) Responsibilities of property owner. All sewer connections, sewer, sewer services and sewer maintenance, commencing at the sewer line shall be the responsibility of the property owner.

- (b) Responsibilities of building owner; work to be performed by person licensed by the Commonwealth of Massachusetts and by the City of Beverly Engineering Department. All sewer repairs or sewer replacements between the street line and property building will be the responsibility of the owner of the building.
- (c) Responsibility of city department of public services. All sewer repairs, or sewer replacements between the main sewer line and street line will be the responsibility of the department of public services.
- (d) Need. The need of such work will be determined by the Director of Public Services.

(Rev. Ords. 1973, § 25-2)

State law reference-Required connections with sewers, M.G.L. c. 83, §11.

Section 34.03 Sewer connection license.

- (a) The City Council shall grant such license as required by this chapter as recommended by the Director of Public Services and also approved by the Mayor. All work performed by the contractors will be inspected and approved or disapproved by representatives of the department of public services.

(Rev. Ords. 1973, § 25-2A)

Section 34.04 Preparation of plans.

- (a) The Director of Public Services shall, whenever any main drain or common sewer is ordered to be built, ascertain its depth, dimensions and mode of construction, distance from street lines and general direction, and insert the same on plans of sewerage on file in his office.. He shall from time to time ascertain and insert on the plans, the particular location of all private drains entering into such main drain or sewer.

(Rev. Ords. 1973, § 25-3)

Section 34.05 Duties of Director of Public Services.

- (a) All main drains and sewers owned or constructed by the city, and all property connected therewith shall be under the care of the Director of Public Services, and all appropriations for sewer connections shall be expended under the direction of such commissioner.

(Rev. Ords. 1973, § 25-9)

Section 34.06 Drains entering main drains or common sewer.

- (a) *Permit required.* No person shall enter his particular drain into any main or common sewer without a permit in writing from the Director of Public Services, which permit, the application therefor, and the granting thereof, shall be in such form and under such regulations as the commissioner may prescribe, and any person to whom such permit shall be granted shall pay therefor the sum of One Hundred Dollars (\$100.00), payable to the Director of Public Services.
- (b) *Construction.* Any particular drains entering any main drain or common sewer shall, so far as the same shall be constructed within the limits of any street or way, be built of such materials, of such size and in such a manner as the Director of Public Services may direct.

(Rev. Ords. 1973, § 25-11)

State law references-Particular sewers, M.G.L. c. 83, § 3; assessments for particular sewers, M.G.L. c. 83, § 24.

Section 34.07 Gasoline and explosives.

- (a) No gasoline or other explosive or inflammable substance shall be caused or allowed to enter directly or indirectly any common sewer or other public drain.

(Rev. Ords. 1973, § 25-12)

Section 34.08 Brine, etc.

- (a) No brine or other injurious substance shall be caused or allowed to be emptied directly or indirectly into any public catch basin.

(Rev. Ords. 1973, § 25-13)

Section 34.09 Assessments

- (a) Generally.
 - (i) When a main drain or common sewer is laid in any street or way of the city, the City Council shall assess upon owners of estates abutting on such street or way the cost thereof, based upon the estimated average cost of the sewers in the sewerage system adopted by the city by the following fixed uniform rate: One dollar and fifty cents (\$1.50) per foot of frontage which such estates have upon any street or way where a sewer is constructed, and one and one-half cents (\$0.015) per square foot of area which such estates contain within one hundred (100) feet from such street or way; provided, however, that no assessment in respect to any such estate, which by reason of its grade, level or any other cause cannot be drained into such sewer, shall be made, certified or notified by the Director of Engineering until such incapacity is removed. Such assessment shall be ascertained, assessed and certified by the City Council to the board of

assessors for assessment, and notice thereof shall be given to the party to be charged, or his tenant or lessee.

(Rev. Ords. 1973, § 25-4)

State law reference-Sewer assessments, M.G.L. c. 83, §§ 14 - 24.

(b) Exception.

- (i) Any drain or sewer laid in any land or way, public or private, which is opened or proposed to be opened for public travel and accommodation, shall be a main drain or common sewer, and if such drain or sewer is laid in a public or private way or land at the expense of the owner thereof, his land shall not be assessed for such drain or sewer, except for the cost of connecting it with common drains or sewers already established.

(Rev. Ords. 1973, § 25-5)

(c) Estates abutting on more than one street.

- (i) When estates abut upon more than one (1) street or way, assessment for sewers based upon frontage shall be assessed upon the frontage of one (1) such street or way, and upon so much of such other street as is not exempted by the City Council; and the City Council may exempt from assessment so much of the frontage on such other street as it may deem just and equitable.

(Rev. Ords. 1973, § 25-6)

State law reference-Similar provisions, M.G.L. c. 83, § 21.

(d) To constitute lien.

- (i) Assessments so made hereunder shall, for two (2) years after they have been committed to the collector for collection, constitute a lien on the real estate assessed, and may together with incidental costs and expenses be levied by sale of such real estate, if the assessment is not paid within three (3) months after a written demand for payment made either upon the person assessed or upon any person occupying the estate, such sale to be conducted in like manner as sales for the payment of taxes; provided, however, that if any owner of real estate within thirty (30) days after notice of a sewer assessment thereon, or of any charges made for entering or using any public sewer, notifies in writing the board of assessors to apportion the same, such board shall apportion the same into such number of equal parts, not exceeding ten (10), as the owner shall in the notice state. The assessors shall add one (1) of such parts with interest to the annual tax of such real estate each year next ensuing, until all such parts have been so added. Such assessments or charges or apportionments thereof shall constitute a lien upon the real estate, and may be collected according to the provisions of law made for the collection of taxes upon real estate. All liens for

the collection of such assessments or charges shall continue until the expiration of two (2) years from the time when the last installment is committed to the collector, and interest shall be added to all such assessments or charges until they are paid, provided that nothing herein contained shall be constructed to prevent the payment at any time in one (1) payment of any balance of such assessment or charges then remaining unpaid, notwithstanding a prior apportionment.

(Rev. Ords. 1973, § 25-7)

(e) Extension of time payment.

- (i) The City Council may extend the time of payment of assessments upon estates not built upon, when requested by the owner, until built upon or for a fixed time, provided that interest at a rate of four (4) percent per annum, shall be charged or paid annually upon the assessment from the time it was made, and in such case the assessment shall be paid within three (3) months after such estate is built upon or after the expiration of such fixed time.

(Rev. Ords. 1973, § 25-8)

State law reference-Extension of time for assessment payment, M.G.L. c. 83, § 19.

Section 34.10 Sewer Use

(a) Definitions.

- (i) Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows:
 - 1) *BOD* (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.
 - 2) *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins five (5) feet (1.5 meters) outside the inner face of the building wall.
 - 3) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
 - 4) *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.

- 5) *Director* shall mean the Director of Public Services of the city, or his authorized deputy, agent, or representative.
- 6) *District* shall mean the South Essex Sewerage District.
- 7) *District sewer* shall mean sewer lines, appurtenances, and other works owned and operated by the South Essex Sewerage District.
- 8) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- 9) *Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trades, or business, as distinct from sanitary sewage.
- 10) *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- 11) *pH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- 12) *Plumbing inspector* shall mean the plumbing inspector of the department of health and inspections of the city.
- 13) *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- 14) *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority, or sewer laid in any land or way, public or private, open or proposed to be opened for public travel.
- 15) *Sanitary sewer* shall mean a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- 16) *Sewage* shall mean a combination of the water-carried wastes from residencies, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
- 17) *Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.
- 18) *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

- 19) *Sewer* shall mean a pipe or conduit for carrying sewage.
- 20) *Sludge* shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four-hour concentration or flows during normal operation.
- 21) *Storm drain* (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- 22) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are removable by laboratory filtering.
- 23) *Watercourse* shall mean a channel, in which a flow of water occurs, either continuously or intermittently.

(Rev. Ords. 1973, § 25-24)

(b) Unlawful tampering with sewage works.

- (i) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.

(Rev. Ords. 1973, § 25-25)

(c) Powers and authority of inspectors.

- (i) The director and plumbing inspector, and other duly authorized employees of the city bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these regulations. The director and plumbing inspector, or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (ii) The director and plumbing inspector, and other duly authorized employees of the city, bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement

shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Rev. Ords. 1973, § 25-26)

(d) Penalties.

- (i) Any person found to be violating any provision of this article, except the section Unlawful Tampering with Sewage Works., shall be served by the director or plumbing inspector with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of such time stated in such notice, permanently cease all violations.
- (ii) Any person who shall continue any violation beyond the time limit provided for in subsection (a) or the section Unlawful Tampering with Sewage Works. without the necessity of written notice, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of twenty dollars (\$20.00) for each violation, every day during which any such violation shall continue shall be deemed a separate offense; such offense may be prosecuted by indictment or complaint before a district court. Such a fine shall be in no way any defense to the proceedings by the director or plumbing inspector for enforcement of any such order or regulations, by injunction or otherwise, or any complaint or prosecution under M.G.L. chapter 266 for malicious mischief or malicious damage to property.
- (iii) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

(Rev. Ords. 1973, § 25-27)

(e) Building Sewers and Connections

(i) Permit required.

- 1) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Services, or his authorized deputy, agent, or representative.

(Rev. Ords. 1973, § 25-39)

(ii) Authority of Director.

- 1) No person shall lay or connect a sewer in any land or way, private or public, open or proposed to be opened for the public travel, or connect any such sewer to an existing sewer, except by authority of the Director.

(Rev. Ords. 1973, § 25-40)

(iii) Permit application; form, fee.

- 1) The owner or his agent shall make application on a special permit form furnished by the city Plumbing Inspector, if work being performed in the home to within 10 feet of the building or the Engineering Dept, if work being performed outside of the home to sewer main. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent, in the judgment of the commissioner and plumbing inspector, for services to commercial buildings and establishments producing industrial wastes.

(Rev. Ords. 1973, § 25-41)

(iv) Costs, expenses of connections.

- 1) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, and maintenance thereof. (Rev. Ords. 1973, § 25-42)

(v) Separate sewers.

- 1) A separate and independent building sewer shall be provided for every building.

(Rev. Ords. 1973, § 25-43)

(vi) Old building sewers.

- 1) Old building sewers may be used in connection with new buildings only when they are found, on examination and review by the Director of Public Services and plumbing inspector, to meet all requirements of this article.

(Rev. Ords. 1973, § 25-44)

(vii) Construction methods; compliance with technical codes; connection of drains, downspouts.

- 1) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the city. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. (American Society Testing Materials) and the W.P.C.F. (Water Pollution Control Federation) Manual of Practice No. 9, shall apply.
- 2) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. The owner shall hold the city free from any claim for damage from the backflow of sewage due to malfunction or stoppage within or due to such building drain.
- 3) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building sewer or building drain, which in turn is connected directly or indirectly to a public sanitary sewer.
- 4) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the city, or the procedures set forth in appropriate specifications of the A.S.T.M. (American Society Testing Materials) and the W.P.C.F. (Water Pollution Control Federation) Manual of Practice No. 9. All such connections shall be made gaslight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director of Public Services and plumbing inspector before installation.

(Rev. Ords. 1973, § 25-45)

(viii) Inspection upon connection to public sewer.

- 1) The applicant for the building sewer permit shall notify the Director of Public Services when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director of Public Services and the plumbing inspector, or their duly appointed representatives.

(Rev. Ords. 1973, § 25-46)

(ix) Barricades; restoration of disturbed public property.

- 1) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Rev. Ords. 1973, § 25-47)

(f) Use of Public Sewers

(i) Prohibited discharges.

- 1) No person shall discharge or cause or allow to be discharged into any sewers under the control of the city or any sewer tributary thereto within the South Essex Sewerage District the following described substances, materials, waters or wastes if it appears likely in the opinion of the city that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving waters, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the city and the South Essex Sewerage Board will give consideration to such factors as the quantities of wastes in relation to the flows and velocities in the sewers, nature of the sewage treatment plant, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, materials of construction of the sewers, and other pertinent factors. The substances prohibited are:
 - a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit;
 - b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L, or containing substances which may solidify or become viscous at temperatures between thirty-two (32) degrees Fahrenheit and one hundred fifty (150) degrees Fahrenheit;
 - c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower or greater shall be subject to the review and approval of the commissioner and plumbing inspector;
 - d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not;
 - e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the South Essex Sewerage Board for such materials;

- f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the South Essex Sewerage Board as necessary, after treatment of the composite sewage to meet the requirements of the state, federal, or other public agencies or jurisdiction for such discharge to the receiving waters;
- g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the South Essex Sewerage Board in compliance with applicable state or federal regulations;
- h) Any waters or wastes having a pH in excess of 9.5;
- i) Materials which exert or cause:
- j) Unusual concentrations of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate);
 - (1) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions);
 - (2) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
 - (3) Unusual volume of flow or concentration of wastes constituting "sludge" as - defined in this article.
- k) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters;
- l) Any sewage, drainage, substances, or wastes containing caustic lime, calculated as CaCO_3 (calcium carbonate), in excess of seventy-five (75) mg/L.
- m) No person shall discharge or cause or allow to be discharged, directly or indirectly, into any sewer under the control of the city or any other sewer tributary thereto within the South Essex Sewerage District, any of the following described waters or wastes:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;

- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works;
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and flashings, entrails, paper dishes, cups, milk containers, buffing dust, or waters or wastes containing suspended solids in excess of five hundred (500) mg/L;
- (5) Any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooking water, uncontaminated cooling water, or unpolluted industrial process water which the state division of water pollution control determines is sufficiently free from contamination to permit its discharge into the nearest stream, drain or watercourse.

(Rev. Ords. 1973, § 25-58)

(ii) Options of city re admission into system of hazardous waste.

- 1) If any waters or wastes are discharged or proposed to be discharged into any sewers under the control of the city or any sewer tributary thereto within the South Essex Sewerage District, which waters contain the substances or possess the characteristics enumerated in Prohibited Discharges section of this article, and which in the judgment of the city and the South Essex Sewerage Board may have deleterious effects upon the sewerage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
 - a) Reject the wastes;
 - b) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - c) Require control over the quantities and rates of discharge;

d) Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of the last paragraph of this article.

- 2) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the commissioner and plumbing inspector, and subject to the requirements of all applicable codes, ordinances, and laws. (Rev. Ords. 1973, § 25-59)

(iii) Traps and separators.

- 1) Garages and other establishments, where wastes containing grease in excessive amounts or any flammable waste, sand or other harmful ingredients can be discharged and are connected, directly or indirectly, with public sewers, shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the director of the division of water pollution control or his authorized representative, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(Rev. Ords. 1973, § 25-60)

(iv) Maintenance of facilities.

- 1) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Rev. Ords. 1973, § 25-61)

(v) Required control manhole.

- 1) When required by the Director and plumbing inspector, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances, in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Director and plumbing inspector. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(Rev. Ords. 1973, § 25-62)

(vi) Compliance with standard methods; sampling.

- 1) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at such control manhole. In the event that no special manhole has been provided, the control manhole shall be determined by the commissioner. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works, and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a twenty-four-hour composite of all outfalls of a premises is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four-hour composites of all outfalls where pH's are determined from periodic grab samples).

(Rev. Ords. 1973, § 25-63)

(vii) Agreements allowing acceptance of unusual-strength wastes.

- 1) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor, by the industrial concern.

(g) Appeals.

- (i) Any owner aggrieved by the refusal of the Director of Public Services to issue a sewer permit, or aggrieved by an order of the Director of Public Services issued in accordance with this article, shall have the right to review such refusal or decision of the Director with the public service and aid committee, such review to be requested in writing within five (5) days of the receipt by the owner of the decision or refusal; the board shall issue a final decision after review, and shall establish and direct that the decision of the Director shall stand, or revise the decision of the Director, or remand the decision of the Director for further investigation, or revoke the decision of the Director and render an appropriate decision in writing in accordance with this article.
- (ii) An owner aggrieved by a decision of the director of public health or plumbing inspector rendered in accordance with this article shall have the right to a review of such refusal or decision, so far as it pertains to the board of health, by notifying the chairman of the board of health in writing within five (5) days of the receipt of the decision of the plumbing inspector or the director of public health, and the board shall issue a decision after review and shall establish and direct that the decision of the director shall stand, or review the decision of the director, or remand the decision of the director for further investigation, or

revoke the decision of the director and render an appropriate decision in writing in accordance with this article.

ARTICLE XXXV. SHELLFISH

Section 35.01 Closed season.

- (a) The Director of Public Health is hereby authorized and empowered to declare a closed season on any and all flats in the city for such period as they may deem advisable.
- (b) No order, however, closing any part of the clam flats shall become effective until after three (3) days' notice has been given by advertising, such advertisement giving location closed. When any flats which have been closed are about to be opened for public digging, no such digging in such flats shall be permitted until notice of such opening has been advertised for at least three (3) days. (Rev. Ords. 1973, § 26-6)

Section 35.02 Size of clams.

- (a) No person shall take or have in his possession clams less than two (2) inches in longest diameter to the amount of more than five (5) percent of any one (1) batch, provided that it shall not be unlawful to take such clams or have the same in possession under the authority of a permit therefor which the Mayor and City Council may grant for replanting for seed purposes in waters of flats within the Commonwealth.

(Rev. Ords. 1973, § 26-7)

Section 35.03 Hours for digging.

- (a) All permits giving authority to dig clams shall be on the condition that no clams shall be dug from any flats in the city from one (1) hour after sunset to one (1) hour before sunrise of any day.

(Rev. Ords. 1973, § 26-8)

Section 35.04 Prosecutions.

- (a) The police department shall prosecute any person who violates the law or the provisions of this chapter governing the taking of clams from the flats controlled by or under the authority of the city.

(Rev. Ords. 1973, § 26-9)

Section 35.05 Clam Permit

- (a) Authorized.

- (i) The Mayor and City Council are hereby authorized to grant clam permits. All applications for clam permits shall be submitted to the committee on legal affairs and accounts for its investigation before the same are acted upon by the Mayor and City Council

(Rev. Ords. 1973, § 26-1)

State law reference-Permits authorized, M.G.L. c. 130, § 52.

- (b) To whom granted.

- (i) No clam permit shall be granted except to a native-born or naturalized citizen of the United States. No such permit shall be granted to any person who was not an actual resident of the city on January first of the year in which the application is made. If, however, a person who has a legal settlement in the city may become a public charge unless such permit is granted, this rule may be suspended if in the judgment of the Mayor and City Council it is for the best interest of the city to do so.

(Rev. Ords. 1973, § 26-2)

- (c) Term.

- (i) All permits issued under the provisions of this article shall terminate on the first day of June in each year.

(Rev. Ords. 1973, § 26-4)

- (d) Revocation.

- (i) The Mayor and City Council are authorized and empowered to revoke any permit for the digging of shellfish for any violation of this chapter.

(Rev. Ords. 1973, § 26-5)

ARTICLE XXXVI. TREES

(Ord. No. 161, 6-6-2002)

Section 36.01 Intent and Purpose

- (a) Having Determined that a well managed urban forest provides many benefits to the City, its residents and visitors, it is hereby declared to be the policy of the City of Beverly, to regulate, finance and control the planting, removal, maintenance, and protection of trees and shrubs upon or in all public areas of the City in order to:

- (i) Promote and enhance the aesthetics and general welfare of the City.

- (ii) Eliminate and guard against dangerous conditions, which may result in injury to persons using the public areas of the City.
- (iii) Prevent damage to any public sewer, water main, street, sidewalk, or other public property.
- (iv) Protect trees and shrubs in public areas from undesirable and unsafe planting, removal, maintenance and protection practices.
- (v) Protect all trees and shrubs from the damaging effects of construction, alteration or repair of utility facilities and other improvements in any public area.
- (vi) Guard all trees and shrubs within the City against the spread of disease, insects, or pests.
- (b) The provisions of this ordinance shall apply to all trees and shrubs presently or hereafter planted in or upon any public area.

Section 36.02 Inter-department Coordination

- (a) Due to the complex nature and often conflicting interrelationships between living plants such as trees, shrubs, and turf, and public improvements such as streets, sidewalks and underground facilities, it is recognized that there is a need to manage both plants and improvements in a manner that will minimize conflict and maximize the benefits to be realized from each.
- (b) Therefore, it is hereby declared to be the intent of the City of Beverly that there shall exist at all times, a policy of open communication and coordination between the various departments and divisions of City government regarding the management, installation and maintenance of the plants or improvements for which they are responsible.

Section 36.03 Definitions

- (a) In this chapter, unless the context clearly requires otherwise, the following words and phrases shall be defined as follows:
 - (i) “City Arborist” shall mean the person designated under the City Officer Chapters of this Ordinance, or his/her duly authorized representative designated to perform inspection or otherwise enforce the provisions of this chapter.
 - (ii) “Clear-vision triangle” shall mean a triangle shaped zone formed by the existing or proposed curb lines of two or more intersecting streets, roads, or alleys and a third line connecting said curb lines at a distance of thirty (30) feet in each direction from the point of curb line intersection, in order to provide vehicular traffic an unobstructed view of cross traffic at intersections.

- (iii) “Maintenance and protection” shall include all operations of trimming, pruning, spraying, injecting, fertilizing, treating, bracing, cabling and cutting any tree or shrub above or below ground.
- (iv) “Person” shall mean any individual, firm, partnership, association, corporation or government entity.
- (v) “Public way” shall include all public ways, parks, and other lands owned, controlled, or leased by the City.
- (vi) “Tree” shall mean a woody plant usually with a single stem unbranched at the base, reaching a height of twelve feet or more.
- (vii) “Shrub” shall mean a woody plant usually with multiple stems branched at or near the base, reaching a height of less than twelve feet.
- (viii) “Public trees and shrubs” shall mean any tree or shrub as herein defined, presently or hereafter planted in or upon any public area.
- (ix) “Street tree” shall mean any public tree presently or hereafter located in the public way between the curb and public sidewalk, or between the curbs of a median strip, or in the equivalent location with respect to future curb, sidewalk or median strips where such curbs or sidewalks are not yet installed.
- (x) “Tree protection zone” shall mean a zone of protected space not less than four (4) feet high and ten (10) feet square, or at a distance in feet from the tree trunk equal to the diameter of the trunk at breast height (D.B.H.) in inches, which ever is greater.

Section 36.04 Standards and Specifications

- (a) The most recent version of following documents, each in its entirety, are hereby adopted and made a part of this ordinance upon passage.
 - (i) ANSI A300-1995 “American National Standard for Tree Care Operations – Tree, Shrub and Other Woody Plant Maintenance –Standard Practices”
 - (ii) ANSI Z60.1-1996 “American Standard for Nursery Stock”

Section 36.05 Prohibited Acts Regarding Public Trees and Shrubs

- (a) Injury to Public Trees and Shrubs Prohibited. No person shall, without permission from the City Arborist, do or cause to be done any of the following:
 - (i) Secure, fasten, or run any rope, wire, signal, electrical installation or other device or material to, around or through any public tree or shrub except in an emergency such as a storm or accident.

- (ii) Break, injure, mutilate, deface, kill, or destroy any public tree or shrub.
- (iii) Top or make topping cuts on any public tree.
- (iv) Permit any toxic chemical, gas, smoke, oil, or other injurious substance to seep, drain, or be emptied upon or about any public tree or shrub, except routine winter street maintenance by City Departments.
- (v) Excavate any ditch, tunnel, or trench, or lay any drive, sidewalk or other impermeable surface within the tree protection zone of any public tree or shrub, without permission from the City Arborist.
- (vi) Erect, alter, repair, raze, or excavate within the tree protection zone of any public tree or shrub without placing suitable guards approved by the City Arborist around such trees and shrubs that may be injured by such operations.
- (vii) Remove any guard, stake, or other device or material intended for the protection or support of any public tree or shrub.
- (viii) Place any earth fill, rock, trash, or other material within the tree protection zone of any public tree or shrub that may compact or prevent the entry of air and water to the root zone.
- (b) Clear-vision triangle. No tree, shrub, hedge or other growth exceeding thirty (30) inches in height above street grade shall be permitted in any clear-vision triangle within the City.
- (c) Obstruction of Signs, Signals, Travel. All trees and shrubs located upon any public way or upon any private premises adjacent to the public way shall be trimmed so that the lowest projecting branches provide a clearance height of not less than fourteen (14) feet above the travel portion of a public street, and not less than eight (8) feet above the public sidewalk. The City Arborist may waive the provisions of this section for newly planted or naturally low-profile trees if he/she determines that they do not interfere with public travel, obstruct the light of any streetlight, obstruct the view of any traffic sign or signal, or endanger public safety.

Section 36.06 Protection of Public Trees and Shrubs

- (a) No person shall plant, remove, maintain or protect any public tree or shrub, or cause such work to be done without obtaining permission from the City Arborist.
- (b) Any person desiring to plant, remove, maintain or protect any public tree or shrub shall request in writing to the City Arborist for approval to perform such work. Such request shall specify the location and description of the proposed work. If the City Arborist determines that the proposed work is necessary and in accord with the purposes of this ordinance, taking into account the safety, health, and welfare of the public, location of utilities, public sidewalks, driveways and

streetlights, general character and aesthetic quality of the area in which the tree or shrub is located or proposed to be located, and the soil conditions and physiological needs of the tree or shrub, he/she shall approve the request.

- (c) Any person aggrieved by the decision of the City Arborist to permit or deny a request to plant, remove, maintain or protect any public tree or shrub may request a review of that decision by the Committee on Public Service and Aid of the City Council.
- (d) The City Arborist develops and maintains a list of desirable trees for planting along streets. Efforts shall be made to ensure a sufficient diversity of tree species.
- (e) Arboricultural Specifications and Standards. The following specifications and standards are hereby established for the planting, pruning, and removal of all public trees and shrubs within the City:
 - (i) Planting
 - 1) No tree shall hereafter be planted which is less than one and one-half (1 1/2) inches in diameter at six (6) inches above the ground
 - 2) No street tree shall be planted less than ten (10) feet from any driveway or fire hydrant, or within the designated clear-vision triangle or less than thirty (30) feet from any street corner, whichever is greater.
 - 3) All street trees hereafter planted shall be spaced not less than twenty-five (25) feet apart except that a tree planted for the purpose of future replacement of an existing declining tree may be planted less than twenty-five feet from the declining tree. The actual spacing, location, and alignment of street trees shall be determined by the City Arborist based on the mature size of the species to be planted and the specific site limitations.
 - 4) The following shall not be planted in the public ways of the city: any conifer, any species of the genus Populus, any Ailanthus, Catalpa, Mountain Ash, Box Elder, Silver Maple, Willow, White Bark Birch, Black Locust, or such other species that shall be determined to be unsuitable for street planning.
 - (ii) Pruning
 - 1) All pruning of public trees and shrubs shall conform with the standards set forth in ANSI A300 or the most recent version thereof as adopted in hereunder.

- 2) It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions, where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Arborist.

(iii) Removal

- 1) The City Arborist may remove or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.
- 2) Trees shall be completely removed from the growing site and disposed of in the proper manner. Any person or firm engaged in the removal of any public tree or shrub shall have the necessary limits of insurance and shall be held liable for any injury or damage to persons or property.
- 3) Stumps and roots that elevate sidewalks and/or boulevards shall be removed from the growing site by grinding or other means to a depth suitable for the future planting of trees, shrubs, or turf. The hole created by removal of a stump shall be filled to the level of surrounding grade with mineral topsoil, tamped to prevent settling and seeded with mixture of grass species appropriate for the site.

- (iv) Spraying, injecting, fertilizing, bracing, cabling or other arboricultural operations or treatments shall be performed in a neat and professional manner according to accepted arboricultural standards and in compliance with all laws governing the use of pesticides.

Section 36.07 Cost of Planting and Protection of Public Trees

- (a) The entire cost of planting, removal, maintenance, and protection of trees and shrubs in all public areas of the City when performed by department employees or their contractors at the direction of the City Arborist, shall be borne by the City out of the departments budgets, or from funds donated or otherwise acquired for this purpose. When a private party other than the city plants, removes, maintains, or protects public trees or shrubs pursuant to Intent and Purpose Section of this article, said party shall incur all expenses connected therewith.

Section 36.08 Penalties

- (a) Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject or a fine not to exceed \$1,000. In addition to a fine, the

City may require restitution for the fair market value of the tree(s) and/or shrub(s) that were damaged or destroyed as a result of violation of this ordinance.

Section 36.09 Severability

- (a) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision will not affect the validity of any other section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

(Ord. No. 161, 6-6-2002)

ARTICLE XXXVII. WETLANDS PROTECTION

(Ord. No. 234, 12-6-01)

Section 37.01 Purpose

- (a) The purpose of this ordinance is to provide more protection to the wetland resource areas of the City of Beverly than is already granted by the Wetland Protection Act M.G.L. Chapter 131, Section 40 and the Regulations 310 CMR 10.00. It is intended to be more protective than the existing regulations and therefore more beneficial to the specific needs and values of this community. It would provide the Conservation Commission more authority to regulate activities that might have a harmful effect on the following important interests: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, shellfish, wildlife and rare species habitat, agriculture, aquaculture and recreation.

Section 37.02 Jurisdiction

- (a) Except as permitted in writing by the Commission, or as provided in this Ordinance, no person shall engage in the following activities ("activities"): removal, filling, dredging, discharging into, building upon, or otherwise altering or degrading the City's wetland resource areas, consisting of:
 - (i) any isolated vegetated wetland,
 - (ii) any vernal pool,
 - (iii) any vegetated wetland bordering on any creek, river, stream, pond or lake,
 - (iv) any bank, beach, fresh or salt water marsh, wet meadow, bog or swamp,
 - (v) any land under any creek, river stream, pond or lake,

- (vi) any 100-foot buffer zone of wetland areas 1-5 listed above,
 - (vii) any land subject to storm flowage, or flooding by groundwater or surface water,
 - (viii) the 200-foot riverfront area,
 - (ix) ocean
- (b) The wetland resource areas listed in 1-9 above may also be protected under the Massachusetts Wetlands Protection Act. M.G.L. Chapter 131, Section 40 ("the Act") and its accompanying regulations 310 CMR 10.00.
 - (c) The Commission shall not grant such permission without receiving written notice of the intention to conduct such activity, and without issuing written permission to do so all in compliance with the provisions of this Ordinance.

Section 37.03 Exemptions

- (a) This Ordinance shall not apply to the following activities:
 - (i) Emergency projects as defined in the Commission's regulations; or
 - (ii) Maintenance, repair, or replacement, without substantial change or enlargement, of existing and lawfully located structures or facilities used in the service of the public and used to provide electric, gas, water distribution, telephone, or other telecommunication services to the public; or
 - (iii) Normal maintenance of land in active agricultural use, as defined in the Commission's regulations; or
 - (iv) Maintenance and repair of existing public ways; and
- (b) All appropriate measures should be undertaken to prevent damage to any resource areas that would have a detrimental effect on the interests of the Ordinance and the Act.

Section 37.04 Applications to Perform Work

- (a) All applications to perform activities in the City's resource areas shall be either in the form of a Request for Determination of Applicability or a Notice of Intent, or both. Such applications shall contain data and plans as specified in the Commission's regulations, and shall be submitted in complete written form to the Commission as required by this Ordinance, regulations, and application checklist (Appendix A of Regulations). The date which serves to commence the Commission's deliberation period is the date of receipt of the application at its offices, during regular office hours. The City's Conservation Administrator shall be authorized to make determinations of completeness for applications submitted to the Commission and shall reject, within two (2) business days, those

applications that do not meet the minimum submittal requirements of this Ordinance, regulations, and application checklist. In order to provide sufficient review time the Commission may continue a public hearing or public meeting if new information is submitted by the applicant, or applicant's agent, less than seven (7) business days before the scheduled public hearing or public meeting.

- (b) The applicable forms may be obtained from the Commission and must be signed by the applicant or applicant's agent where required. The Commission may require further information by Regulations, guideline, or as otherwise deemed necessary by the Commission. No such application shall be accepted as complete before all permits, variances, and approvals required by the Ordinances of the City with respect to the proposed activity, at the time of such Notice, have been applied for or obtained. Such application shall also include any information submitted in connection with such permits, variances, and approvals which is necessary to describe the effect of the proposed activity on the resource area(s).
- (c) Upon receipt of a permit application or RFD for complex projects such as subdivisions, the Commission is authorized to require the applicant to pay with a reasonable cost determined by the Commission (not to exceed 0.5% or \$5,000) for specific expert engineering and other consultant services deemed necessary by the Commission to finalize the decision on the application. Any unused portion will be returned to applicant.

Section 37.05 Hearings

- (a) Combination with State Law Hearing:
 - (i) The said Commission, in its discretion, may hear any oral presentation under this Ordinance at the same public hearing required to be held under the provisions of Chapter 131, Section 40 of the Massachusetts General Laws. Notice of the time and place of such hearing(s) shall be given as required below.
- (b) Notice:
 - (i) Notice of the time and place of the hearing shall be given at the applicant's expense, not less than seven (7) calendar days prior to the public hearing, by publication in a newspaper of general circulation in Beverly, and by mailing a copy of such notice to all land owners within 300 feet of land on which the work is proposed. All publications and notices shall contain the name of the applicant, a description of the area where the activity is proposed by street address, if any, or other adequate identification of the location of the area or premises which is the subject matter of the hearing, and the nature of the action or relief requested, if any. Public notice requirements for continued public hearings under this Ordinance shall be the same as the notification requirements set forth in 310 CMR 10.05(5)(b)3.
- (c) Proof:

- (i) The applicant shall have the burden of providing by a preponderance of credible evidence that the activity proposed in the Notice of Intent will not cause adverse impacts to any of the interests and values intended to be protected by this Ordinance. Failure to provide the Commission adequate evidence for it to determine that the proposed activity will not cause adverse impacts shall be sufficient cause for the Commission to deny permission or to grant such permission with such conditions as it deems reasonable, necessary, or desirable to carry out the purposes of this Ordinance; or to postpone or continue the hearing to another date certain to enable the applicant and others to present additional evidence, upon such terms and conditions as deemed by the Commission to be reasonable.
- (ii) Due consideration shall be given to possible effects of the proposal on all interests and values to be protected under this Ordinance and to any demonstrated hardship on the petitioner by reason of a denial, as brought forth at the public hearing.
- (d) Filing fees are non-refundable. Review fees not totally expended by the Commission shall be refunded.
- (e) Continuances:
 - (i) The Commission may continue a public hearing or public meeting in the following situations:
 - 1) With the consent of the applicant, to an agreed-upon date which shall be announced at the hearing; or
 - 2) Without the consent of the applicant, to a specific date for the reasons stated at the hearing, including but not limited to receipt of additional information from the applicant or others; and
 - 3) Any application that expires would require refiling of the Notice of Intent.
- (f) Investigations:
 - (i) The Commission, its agents, officers, and employees, may enter upon privately owned land for the purpose of carrying out its duties under this Ordinance and may make or cause to be made such examination or survey as deemed necessary.

Section 37.06 Orders and Decisions

- (a) All Orders and Decisions:
 - 1) If the Commission determines that the proposed activity does not require the imposition of conditions to preserve and protect the interests of this Ordinance, the applicant shall be so notified in writing.

- 2) If, after the hearing, the Commission determines that the proposed activity is significant to one or more interests and values of this Ordinance, the Commission may vote to issue written Orders of Conditions within 21 days of the close of the public hearing. The Commission may impose such conditions, safeguards, and limitations on time and use upon such activity as it deems necessary to protect those interests and values.
 - 3) The Commission may prohibit such activity altogether, in the event that it finds that the interests and values of this Ordinance cannot be preserved and protected by the imposition of such conditions, safeguards, or limitations.
- (b) Security to Assure Performance:
- (i) The Commission may, as part of its Order of Conditions, require, in addition to any security required by any other City or State Board, Commission, agency, or officer, that the performance and observance of the conditions, safeguards, and limitations imposed under this Ordinance on the applicant and owner be secured by one, or both, of the following methods:
 - 1) Deposit: By the deposit of money, sufficient to complete the work as proposed, to secure performance of the conditions and observance of the safeguards of such Order of Conditions. Such security, if filed or deposited, shall be approved as to form and manner of execution by City Counsel or the City Treasurer.
 - 2) Land Restriction(s): By a Conservation restriction, easement, or other covenant running with the land, executed and properly recorded (or registered, in the case of registered land).
 - (c) Duration of Orders: All Orders of Conditions shall expire three (3) years after the date of issuance. An Order of Conditions may be extended for one (1) year upon the request of the applicant. The request for an extension of an Order of Conditions shall be made to the Commission at least 30 days prior to expiration of the Order of Conditions. The Commission may grant only two (2) extensions for an individual Order of Conditions.
 - (d) No activity governed by an Order of Conditions shall be performed unless and until all permits, approvals, and variances required by the Ordinances of the City shall have been obtained, such Order of Conditions or notification shall have been recorded or registered at the Essex South District Registry of Deeds, and all applicable appeal periods have expired. The Commission shall have the right to record or register its Order of Conditions with said Registry of Deeds. No work shall proceed until proof is provided that the Order of Conditions has been properly recorded at the Registry of Deeds. In the event that an Order of Conditions issued pursuant to this Ordinance is identical to a final Order of Conditions issued pursuant to the provisions of M.G.L Chapter 131, Section 40, only one such order need be recorded or registered.

(e) Modifications, Amendments, Revocations:

- (i) The Commission shall have the authority (on its own motion or upon the petition of the applicant, or any person interested) to modify, amend, or revoke an Order of Conditions. In revoking an Order of Conditions, the Commission shall officially notify the interested parties through certified mail and hold a public hearing within 21 days of the notification date. In the case of an amendment to an Order of Conditions, the Commission shall have the discretion to decide if a public hearing is warranted. This decision shall be based on the potential impact of the proposed work and its effect on the ability of the identified wetland resource areas to provide those interests as defined under the Act and Ordinance. No public hearing is required for a modification to an Order of Conditions. Written notification to the applicant by certified mail is required in all cases where the Commission initiates a modification, amendment, or revocation of an Order of Conditions.

Section 37.07 Certificates of Compliance

- (a) The Commission shall, upon receiving a written request and weather permitting, inspect the resource areas where the activity governed by an Order of Conditions was carried out and issue a Certificate of Compliance (or Partial Certificate of Compliance) to the owner of the property, applicant, or applicant's representative, in a form suitable for recording or registering, if it shall determine that all of the activity(ies), or portions thereof, limited thereby have been completed in accord with said Order.

(b) Rules and Regulations

- (i) The Commission shall be empowered to establish Rules and Regulations to govern its affairs, including but not limited to fees, definitions, use of consultants, security to assure performance, performance standards for work in wetland resource areas, and such other information the Commission deems necessary to discharge its responsibilities. After due notice and public hearing, the Commission may promulgate such rules and regulations to effectuate the purposes of this Ordinance, by a majority vote of the duly appointed members.
- (ii) Failure by the Commission to promulgate such rules and regulations, or a legal declaration of their validity by a court of law, shall not act to suspend or invalidate the effect of this Ordinance.

Section 37.08 Enforcement, Investigations and Violations

- (a) In accord with the provisions of M.G.L. Chapter 40, Sections 21D and 31 as well as every other authority and power that may have been or may hereafter be conferred upon it, the City may enforce the provisions of this Ordinance, restrain violations thereof, and seek injunctions and judgments to secure compliance with its Orders of Conditions. Without limiting the generality of the foregoing:

- (i) Any person who violates any provision of this Ordinance or of any condition of a permit issued pursuant to it may be punished by a fine pursuant to Massachusetts General Laws, Chapter 40, Section 21. Each day or portion thereof during which a violation continues shall constitute a separate offense; if more than one, each condition violated shall constitute a separate offense. This Ordinance may be enforced pursuant to Massachusetts General Laws Chapter 40, Section 21D, by a City police officer, other persons having police powers, Conservation Commissioners, or the Conservation Administrator.
- (ii) In accordance with Ch. 40 S. 21D, violators shall, at the discretion of the enforcement authorities, be charged a penalty. The penalties for violations of this Ordinance or regulations promulgated hereunder may be assessed as follows:

<u>1) Violation</u>	<u>Penalty/Violation/Day</u>
a) Alteration of any wetland resource area identified in Jurisdiction Section of this article:	\$100
b) Violation of any Order of Conditions:	\$100
c) Depositing any refuse, debris, yard waste in a wetland or water body:	\$100
d) Depositing any construction material in a wetland or water body: \$100	
e) Alteration of any stream or water body:	\$100
f) Violation of any section of this Ordinance that occurs in the Watershed Overlay District:	\$100

- (b) In the event of a violation of this Ordinance or of any order issued thereunder, the Commission or its agents may issue a stop work order to the owner, the applicant, or the applicant's agent by certified mail, return receipt requested, or by posting the same in a conspicuous location on said site. Any person who shall violate the provisions of a stop work order shall be deemed in violation of the Ordinance; but the failure of the Commission to issue a stop work order for any reason shall not prevent the City from pursuing any other legal remedy at law or in equity to restrain violations of this Ordinance or promulgated regulations and to secure compliance with its Orders.
- (c) The City shall be the beneficiary of all fines imposed on account of the violation of this Ordinance or promulgated regulations in order to defray the expense of enforcing the same.

- (d) Upon request of the Commission, the City Council and City Solicitor shall take such legal action as may be necessary to enforce this Ordinance or promulgated regulations and permits issued pursuant to it.
- (e) Upon recommendation of the Commission, the City Council may employ Special Counsel to assist the Commission in carrying out the legal aspects, duties, and requirements of this Ordinance and promulgated regulations.

Section 37.09 Responsibility for Compliance and Ownership Transfers

- (a) After the recording of a Notice of Violation or Order, any person who purchases, inherits, or otherwise acquires real estate upon which work has been done in violation of the provisions of this Ordinance or in violation of any Order issued under the Ordinance shall forthwith comply with any such Order or restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three years following the recording of the deed or the date of death by which such real estate was acquired by such person.

Section 37.10 Captions and Severability

- (a) The captions used herein are for convenience only and are expressly intended to have no legal or binding significance. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof, nor shall it invalidate any Order of Conditions or decisions which have previously become final.

(Ord. No. 234, 12-6-01)